

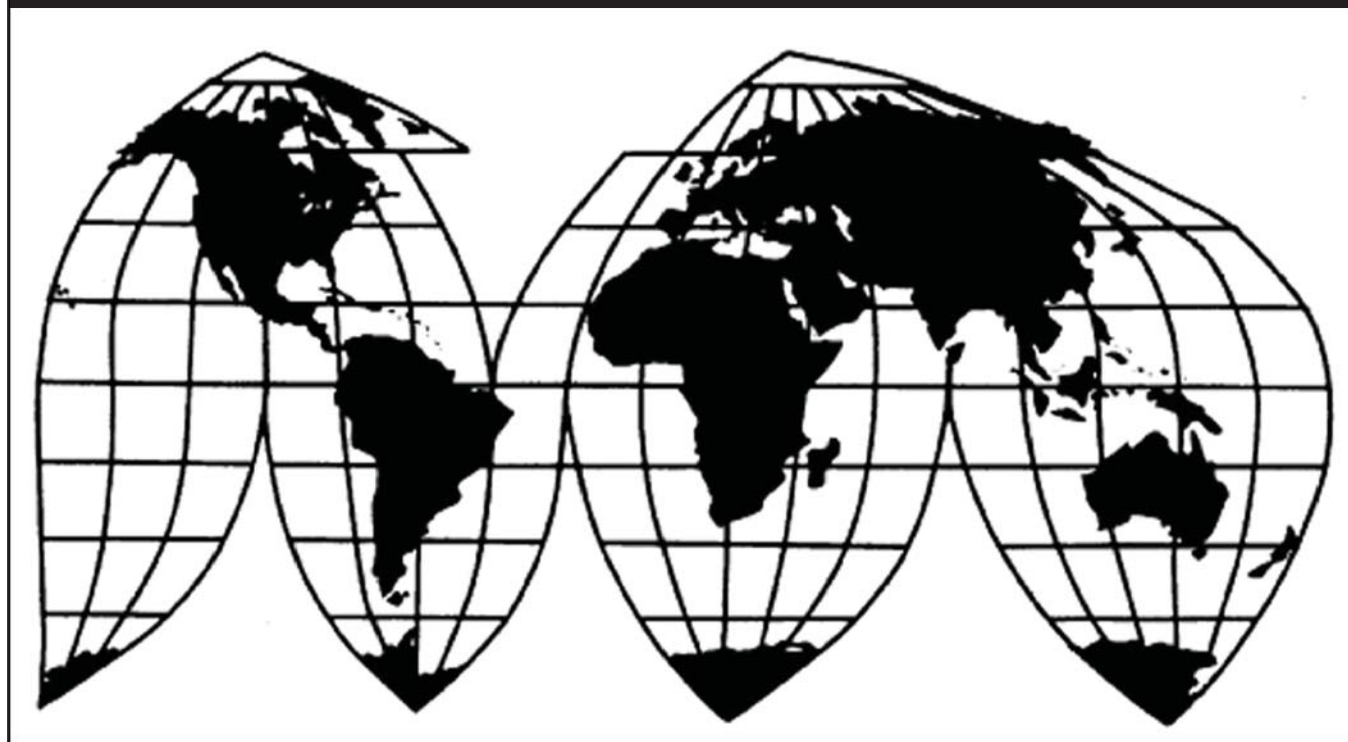
Brass Sheet and Strip from France, Germany, Italy, and Japan

Investigation Nos. 731-TA-313-314, 317, and 379 (Fourth Review)

Publication 4733

October 2017

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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CONTENTS

	Page
Determinations	1
Views of the Commission	3
Information obtained in these reviews	I-1
Background.....	I-1
Responses to the Commission’s notice of institution	I-2
Individual responses	I-2
Party comments on adequacy	I-2
Recent developments in the industry	I-3
The original investigations and subsequent reviews	I-3
The original investigations.....	I-3
The first five-year reviews	I-5
The second five-year reviews	I-6
The third five-year reviews.....	I-6
Prior related investigations	I-7
The product	I-7
Commerce’s scope	I-7
Description and uses	I-8
Manufacturing process.....	I-9
U.S. tariff treatment	I-10
The definition of the domestic like product.....	I-10
Actions at Commerce	I-11
Duty absorption finding.....	I-11
Current five-year reviews	I-11
The industry in the United States	I-12
U.S. producers	I-12
Definition of the domestic industry and related party issues.....	I-12
U.S. producers’ trade and financial data	I-13
U.S. imports and apparent consumption	I-15
U.S. importers.....	I-15
U.S. imports	I-15
Apparent U.S. consumption and market shares	I-16
Cumulation considerations	I-19
Presence in the market	I-19
Geographical markets	I-19
The industry in France.....	I-20
The industry in Germany.....	I-22
The industry in Italy.....	I-23
The industry in Japan	I-25
Antidumping or countervailing duty orders in third-country markets	I-26
The global market	I-27

CONTENTS

Page

Appendixes

A. <i>Federal Register</i> notices	A-1
B. Company-specific data	B-1
C. Summary data compiled in prior proceedings	C-1
D. Purchaser questionnaire responses	D-1

Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted. Such deletions are indicated by asterisks.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-313-314, 317, and 379 (Fourth Review)

Brass Sheet and Strip from France, Germany, Italy, and Japan

DETERMINATIONS

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty orders on brass sheet and strip from France, Germany, Italy, and Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on March 1, 2017 (82 F.R. 12238) and determined on June 5, 2017 that it would conduct expedited reviews (82 F.R. 32871, July 18, 2017).

¹ The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Tariff Act”), that revocation of the antidumping duty orders on brass sheet and strip (“BSS”) from France, Germany, Italy, and Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. Background

A. Procedural Background

Original Investigations. The original investigations regarding imports of BSS from France, Germany, and Italy resulted from petitions filed on March 10, 1986 concerning BSS from Brazil, Canada, France, Germany, Italy, Korea, and Sweden.¹ In December 1986, the Commission determined that an industry in the United States was materially injured by reason of less than fair value (“LTFV”) imports of BSS from Brazil, Canada, and Korea.² In February 1987, the Commission reached affirmative determinations with respect to subsidized imports of BSS from France and LTFV imports of BSS from France, Germany, Italy, and Sweden.³ The Department of Commerce (“Commerce”) subsequently issued antidumping duty orders on BSS from Brazil, Canada, and Korea in January 1987, and antidumping duty orders on BSS from France, Germany, Italy, and Sweden in March 1987.⁴ Commerce issued countervailing duty orders on BSS from Brazil and France in January and March 1987, respectively.⁵

The original investigation regarding imports of BSS from Japan resulted from petitions filed on July 20, 1987 alleging that BSS imports from Japan and the Netherlands were being sold

¹ Confidential Report (“CR”), Memorandum INV-PP-068 (May 23, 2017) at I-4; Public Report (“PR”) at I-3.

² *Certain Brass Sheet and Strip from Brazil, Canada, and the Republic of Korea*, Inv. Nos. 701-TA-269 (Final) and 731-TA-311, 312, and 315 (Final), USITC Pub. 1930 (Dec. 1986) (“*Brazil, Canada, and Korea Original Determinations*”).

³ *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany*, Inv. Nos. 701-TA-270 (Final) and 731-TA-313, 314, 316, and 317 (Final), USITC Pub. 1951 (Feb. 1987) (“*France, Germany, and Italy Original Determinations*”).

⁴ *Countervailing Duty Order: Brass Sheet and Strip from Brazil*, 52 Fed. Reg. 1214 (Jan. 12, 1987); *Countervailing Duty Order: Brass Sheet and Strip from Canada*, 52 Fed. Reg. 1217 (Jan. 12, 1987); *Countervailing Duty Order: Brass Sheet and Strip from Korea*, 52 Fed. Reg. 1215 (Jan. 12, 1987); *Antidumping Duty Order: Brass Sheet and Strip from France*, 52 Fed. Reg. 6995 (Mar. 6, 1987); *Antidumping Duty Order: Brass Sheet and Strip from Germany*, 52 Fed. Reg. 6997 (Mar. 6, 1987); *Antidumping Duty Order: Brass Sheet and Strip from Italy*, 52 Fed. Reg. 6997, amended 52 Fed. Reg. 11299 (Apr. 9, 1987); *Antidumping Duty Order: Brass Sheet and Strip from Sweden*, 52 Fed. Reg. 6998 (Mar. 6, 1987).

⁵ *Countervailing Duty Order: Brass Sheet and Strip from Brazil*, 52 Fed. Reg. 698 (Jan. 8, 1987); *Countervailing Duty Order: Brass Sheet and Strip from France*, 52 Fed. Reg. 6995 (Mar. 6, 1987).

at LTFV. In June 1988, the Commission made its final affirmative determinations, and in August 1988, Commerce issued antidumping duty orders on BSS imports from both countries.⁶

The Commission's affirmative determinations with respect to BSS from Sweden, Japan, and the Netherlands were appealed. The litigation resulted in multiple court decisions.⁷

First Reviews. After conducting full reviews, in April 2000, the Commission determined that revocation of the countervailing duty orders on BSS from Brazil and France and antidumping duty orders on BSS from Brazil, Canada, France, Germany, Italy, and Japan would be likely to lead to continuation or recurrence of material injury to an industry within a reasonably foreseeable time.⁸ Consequently, in May 2000, Commerce issued a continuation of these orders.⁹

Second Reviews. In March 2006, the Commission terminated the five-year review of the countervailing duty order concerning BSS from France after Commerce made a negative determination.¹⁰ With respect to the antidumping duty orders on BSS from France, Germany, Italy, and Japan, after full reviews, the Commission determined that revocation of these orders would be likely to lead to the continuation or recurrence of material injury to a domestic industry within a reasonably foreseeable time, and Commerce subsequently issued a

⁶ *Certain Brass Sheet and Strip from Japan and the Netherlands*, Inv. Nos. 731-TA-379 and 380 (Final), USITC Pub. 2099 (July 1988) ("*Japan Original Determinations*"); *Antidumping Duty Orders: Brass Sheet and Strip from Japan and the Netherlands*, 53 Fed. Reg. 30454 (Aug. 12, 1988).

⁷ The Commission's affirmative determination with respect to BSS from Sweden was affirmed in *Granges Metallverken AB v. United States*, 13 CIT 471, 716 F. Supp. 17 (1989). The Commission's affirmative determination with respect to BSS from Japan was affirmed by the Court of International Trade in *Cambridge Lee Industries v. United States*, 13 CIT 1052, 728 F. Supp. 748 (1989). The Commission's affirmative determination with respect to BSS from the Netherlands was affirmed in large part in *Metallverken Nederland B.V. and Outokumpu Metallverken, Inc. v. United States*, 13 CIT 1013, 728 F. Supp. 730 (1989), and was remanded with respect to certain aspects of the determination of one Commissioner. The Commission determined on remand that an industry in the United States was materially injured by reason of LTFV imports of BSS from Japan and the Netherlands. The Commission's remand results were affirmed in *Metallverken Nederland B.V. and Outokumpu Metallverken, Inc. v. United States*, 14 CIT 481, 744 F. Supp. 281 (1990).

⁸ The Commission made negative determinations with respect to BSS from Korea, the Netherlands, and Sweden and, therefore, Commerce revoked these orders. *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, Inv. Nos. 701-TA-269-270, 731-TA-311-317, and 379-380 (Review), First Review Determinations, USITC Pub. 3290 (Apr. 2000) ("*First Review Determinations*"); *Revocation of Antidumping Duty Orders: Brass Sheet and Strip From the Republic of Korea, the Netherlands, and Sweden*, 65 Fed. Reg. 25305 (May 1, 2000).

⁹ *Continuation of Antidumping Duty Orders and Countervailing Duty Orders: Brass Sheet and Strip From Brazil, Canada, France, Italy, Germany, and Japan*, 65 Fed. Reg. 25304 (May 1, 2000).

¹⁰ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan*, 71 Fed. Reg. 14719 (Mar. 23, 2006); *Final Results of Full Sunset Review: Brass Sheet and Strip from France*, 71 Fed. Reg. 10651 (Mar. 2, 2006).

continuation of these antidumping duty orders in April 2006.¹¹ The Commission's determination regarding imports of BSS from Germany was affirmed on appeal.¹² The Commission made negative determinations concerning the antidumping and countervailing duty orders on BSS from Brazil and Canada and, consequently, Commerce revoked these orders.¹³

Third Reviews. In March 2011, after full reviews, the Commission determined that revocation of the antidumping duty orders on BSS from France, Italy, Japan, and Germany would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.¹⁴ In April 2012, Commerce issued a continuation of these orders.¹⁵

Current Reviews. The Commission instituted these fourth reviews on March 1, 2017.¹⁶ The Commission received a joint response to the notice of institution filed on behalf of five domestic producers of BSS: Aurubis Buffalo, Inc.; GBC Metals; Heyco Metals, Inc.; PMX Industries, Inc.; and Revere Copper Products, Inc. (collectively, the "Domestic Interested Parties").¹⁷ The Commission did not receive a response to the notice of institution from any respondent interested party. On June 5, 2017, the Commission unanimously found the domestic interested party group response to be adequate and the respondent interested party group response to be inadequate and did not find any other circumstances that would warrant conducting full reviews. It therefore determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act.¹⁸ The Domestic Interested Parties filed comments pursuant to Commission rule 207.62(c)(2) on September 13, 2017.¹⁹

¹¹ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy and Japan*, Inv. Nos. 701-TA-269 and 731-TA-311-314, 317, and 379 (Second Review), USITC Pub. 3842 (Mar. 2006) ("*Second Review Determinations*"); *Brass Sheet and Strip from France, Italy, Germany, and Japan: Continuation of Antidumping Duty Orders*, 71 Fed. Reg. 16552 (Apr. 3, 2006).

¹² *Wieland-Werke AG v. United States*, 31 CIT 1884, 525 F. Supp.2d 1353 (2007), *aff'd*, 290 Fed.Appx. 384 (Fed. Cir. 2008).

¹³ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan*, 71 Fed. Reg. 14719 (Mar. 23, 2006); *Revocation of Antidumping and Countervailing Duty Orders: Brass Sheet and Strip from Brazil and Canada*, 71 Fed. Reg. 16115 (Mar. 30, 2006).

¹⁴ *Brass Sheet and Strip from France, Germany, Italy, and Japan*, Inv. Nos. 731-TA-313, 314, 317 and 379 (Third Review), USITC Pub. 4313 (Apr. 2012) ("*Third Review Determinations*"); *Brass Sheet and Strip from France, Germany, Italy, and Japan*, 77 Fed. Reg. 23508 (Apr. 19, 2012).

¹⁵ *Brass Sheet and Strip from France, Italy, German, and Japan: Continuation of Antidumping Duty Orders*, 77 Fed. Reg. 24932 (Apr. 26, 2012)

¹⁶ *Brass Sheet and Strip From France, Germany, Italy, and Japan: Institution of Five-Year Reviews*, 82 Fed. Reg. 12238 (Mar. 1, 2017).

¹⁷ Domestic Interested Parties' Response to the Notice of Institution at 2-3 (Mar. 31, 2017) ("*Response*").

¹⁸ Explanation of Commission Determination of Adequacy, EDIS Doc. 613905 (June 12, 2017).

¹⁹ Domestic Interested Parties' Final Comments (September 13, 2017) ("*Final Comments*").

II. Domestic Like Product and Industry

A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the “domestic like product” and the “industry.”²⁰ The Tariff Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”²¹ The Commission’s practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.²²

Commerce has defined the imported merchandise within the scope of the orders under review as follows:

[Brass sheet and strip, other than leaded and tinned brass sheet and strip, from France, Germany, Italy, and Japan. The chemical composition of the covered product is currently defined in the Copper Development Association (“C.D.A.”) 200 Series or the Unified Numbering System (“U.N.S.”) C2000{0}. The orders do not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the product covered by the orders has a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classified under Harmonized Tariff Schedule of the United States (“HTSUS”) item numbers 7409.21.00 and 7409.29.00.]²³

The scope is unchanged from the original investigations and previous five-year reviews. The generally accepted industry distinction between brass sheet and brass strip is that brass strip is coiled or wound on reels of whatever gauge and width, and brass sheet is no longer

²⁰ 19 U.S.C. § 1677(4)(A).

²¹ 19 U.S.C. § 1677(10); *see, e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

²² *See, e.g., Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

²³ *Brass Sheet and Strip From France, Germany, Italy, and Japan: Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders*, 82 Fed. Reg. 31046 (July 5, 2017).

coiled or wound, but rather has been cut to length. The chief characteristic of CDA 200 series and UNS C20000 series BSS are ease of manufacture because of excellent forming and drawing properties, attractive surface appearance, fair electrical conductivity, good corrosion resistance, and good strength.²⁴

BSS end uses include electronics, automotive parts, apparel fasteners, cable wrap, eyelets, jewelry and other ornamentation, building and lock hardware, radiators, transportation equipment, coinage, medical devices, ammunition, telecommunications equipment, electronic terminals, household products, industrial machinery and equipment, stampers and component parts, and miscellaneous industrial applications. BSS is also used to make welded tube.²⁵

In its original determinations concerning BSS from Brazil, Canada, France, Germany, Italy, Korea, and Sweden, the Commission found one like product, including both brass material to be rerolled and finished BSS.²⁶ In its original determinations concerning BSS from Japan and the Netherlands, the Commission found the like product to be all domestically produced UNS C20000 BSS.²⁷ In each of the prior three reviews, the Commission defined a single domestic like product consisting of all UNS C20000 series brass sheet and strip, coextensive with the scope of the orders.²⁸

In these reviews, the Domestic Interested Parties agree with the domestic like product definition that the Commission adopted in the original investigations and prior reviews.²⁹ There is no new information in the record indicating that a different definition is warranted.³⁰ Therefore, we again define the domestic like product to be coextensive with Commerce's scope.

B. Domestic Industry

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic "producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."³¹ In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

²⁴ CR at I-11 to I-12, PR at I-8 to I-9.

²⁵ CR at I-12, PR at I-9.

²⁶ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 9; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 10.

²⁷ *Japan Original Determinations*, USITC Pub. 2099 at 10.

²⁸ *First Review Determinations*, USITC Pub. 3290 at 7; *Second Review Determinations*, USITC Pub. 3842 at 7; *Third Review Determinations*, USITC Pub. 4313 at 6.

²⁹ Response at 16; Final Comments at 3-4.

³⁰ See generally CR at I-11 to I-16, PR at I-7 to I-11.

³¹ 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

In the original investigations and subsequent reviews, the Commission defined the domestic industry to consist of the domestic producers of UNS C20000 series BSS, including both rerollers and basic producers.³² We again include rerollers as well as basic producers in our definition of the domestic industry.

1. Related Parties

We next determine whether any producer of the domestic like product should be excluded from the domestic industry pursuant to section 771(4)(B) of the Tariff Act. This provision allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise or which are themselves importers.³³ Exclusion of such a producer is within the Commission's discretion based upon the facts presented in each investigation.³⁴

There were no related party issues in the original investigations. In the first five-year reviews, the Commission found two U.S. firms, PMX and Outokumpu American Brass, to be related parties, but found that appropriate circumstances did not exist to exclude either from the domestic industry.³⁵

In the second reviews, domestic reroller Wieland Metals was a related party because it was owned by a producer and exporter of subject imports from Germany. The Commission

³² *Brazil, Canada, and Korea Original Determinations*, USTIC Pub. 1930 at 9; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 10; *Japan Original Determinations*, USTIC Pub. 2099 at 10; *First Review Determinations*, USITC Pub. 3290 at 7; *Second Review Determinations*, USITC Pub. 3842 at 8-9. The Domestic Interested Parties agree with the Commission's previous definitions. Response at 16.

³³ See *Torrington Co. v. United States*, 790 F. Supp. 1161, 1168 (Ct. Int'l Trade 1992), *aff'd without opinion*, 991 F.2d 809 (Fed. Cir. 1993); *Sandvik AB v. United States*, 721 F. Supp. 1322, 1331-32 (Ct. Int'l Trade 1989), *aff'd mem.*, 904 F.2d 46 (Fed. Cir. 1990); *Empire Plow Co. v. United States*, 675 F. Supp. 1348, 1352 (Ct. Int'l Trade 1987).

³⁴ The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party include the following:

- (1) the percentage of domestic production attributable to the importing producer;
- (2) the reason the U.S. producer has decided to import the product subject to investigation (whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market);
- (3) whether inclusion or exclusion of the related party will skew the data for the rest of the industry;
- (4) the ratio of import shipments to U.S. production for the imported product; and
- (5) whether the primary interest of the importing producer lies in domestic production or importation. *Changzhou Trina Solar Energy Co. v. USITC*, 100 F. Supp.3d 1314, 1326-31 (Ct. Int'l Trade 2015); see also *Torrington Co. v. United States*, 790 F. Supp. at 1168.

³⁵ OMX was controlled by a Korean producer and Outokumpu American Brass was wholly owned by a Finnish company that also owned the only subject producer from the Netherlands. *First Review Determinations*, USITC Pub. 3290 at 7-9.

determined that appropriate circumstances did not exist to exclude Wieland Metals from the domestic industry.³⁶

In the third reviews, the Commission found Wieland Metals to be a related party, as well as ***, whose parent company produced subject BSS in Germany. The Commission determined that appropriate circumstances did not exist to exclude either company from the domestic industry.³⁷

In these reviews, *** and Wieland Metals are again possible related parties. *** is an integrated producer and it did not import subject merchandise during the period of review, but the Domestic Interested Parties report that ***.³⁸ The record does not indicate whether either of the subject producers affiliated with *** exported subject merchandise during the period of review or whether *** “controls” either firm by virtue of its *** share of ownership (i.e., whether *** and an exporter of subject merchandise are under common control). In short, the record does not establish whether *** meets the statutory definition of a related party.³⁹

Even assuming that *** is a related party, we find that appropriate circumstances do not exist to exclude it from the domestic industry. *** supports continuation of the orders.⁴⁰ Its share of reported domestic BSS production in 2016 was *** percent and it is the *** largest responding domestic producer.⁴¹ Furthermore, ***.⁴² Consequently, the record indicates that *** principal interest is in domestic production. In light of this and the lack of any contrary argument, we conclude that appropriate circumstances do not exist to exclude *** as a related party.

Wieland Metals is a related party because it imported subject BSS from Germany during the period of review.⁴³ Wieland Metals did not respond to the notice of institution, and the record contains no further information about its operations and status as a domestic producer. The record is insufficient to establish if appropriate circumstances exist to warrant its exclusion from the domestic industry. Even if this were the case, however, there are no data concerning the company in the record for the Commission to exclude. In light of this and the lack of any contrary argument, we conclude that appropriate circumstances do not exist to exclude Wieland Metals as a related party.

Therefore, we define the domestic industry, as we did in the original investigations and prior reviews, to include all domestic producers of UNS C20000 series BSS, including rerollers and basic producers.

³⁶ *Second Review Determinations*, USITC Pub. 3842 at 8-9.

³⁷ *Third Review Determinations*, USITC Pub. 4313 at 7-8; Confidential Third Review Opinion, EDIS Doc. 477838, at 8-11.

³⁸ CR at I-19, PR at I-14; Response at 12-13.

³⁹ See 19 U.S.C. § 1677(4)(B).

⁴⁰ Response at 17.

⁴¹ Response at Exhibit 2.

⁴² Response at 12.

⁴³ Response at 12-13.

III. Cumulation

A. Legal Standard

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows:

the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.⁴⁴

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.⁴⁵ The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

B. Prior Proceedings

In the original investigations, the Commission found a reasonable overlap of competition between and among the domestic like product and imports from each subject country and, therefore, the Commission considered the subject imports from all sources on a cumulated basis.⁴⁶ In the first five-year reviews, the Commission cumulated subject imports from Brazil, Canada, France, Germany, Italy, and Japan. The Commission found that revocation

⁴⁴ 19 U.S.C. § 1675a(a)(7).

⁴⁵ 19 U.S.C. § 1677(7)(G)(i); *see also, e.g., Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

⁴⁶ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 13; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 13; *Japan Original Determinations*, USITC Pub. 2099 at 16.

of the order with respect to BSS from Sweden would likely have no discernible adverse impact on the domestic industry and, therefore, did not cumulate imports of subject BSS from Sweden with those from any of the other subject countries.⁴⁷ The Commission also found that there was no likely reasonable overlap of competition with respect to subject imports from the Netherlands,⁴⁸ and that subject imports from Korea would likely face different conditions of competition in the U.S. market than that of the subject imports from the other countries.⁴⁹ Accordingly, the Commission did not cumulate subject imports from Korea or the Netherlands with any other subject country.⁵⁰

In the second five-year reviews, the Commission cumulated subject imports from France, Germany, Italy, and Japan. It found that revocation of the order with respect to BSS from Canada would likely have no discernible adverse impact on the domestic industry and did not cumulate subject imports of BSS from Canada with those from any other subject country.⁵¹ It also found that subject imports from Brazil would likely face different conditions of competition in the U.S. market than subject imports from France, Germany, Italy, and Japan and, therefore, did not cumulate subject imports from Brazil with those from the other subject countries.⁵²

In the third five-year reviews, the Commission cumulated subject imports from France, Germany, Italy, and Japan. It found that revocation of any individual order would not be likely to have no discernible adverse impact on the domestic industry. It also found a likely reasonable overlap of competition among the subject imports and between the subject imports and the domestic like product. The Commission further found that imports from each of the subject countries were likely to compete in the U.S. market under similar conditions of competition.⁵³

⁴⁷ *First Review Determinations*, USITC Pub. 3290 at 11. The sole Swedish producer had closed its Swedish BSS production lines in 1992 and no longer produced (or had the capacity to produce) BSS in Sweden. The Commission did not find that revocation of the orders with respect to subject imports from the other countries would likely have no discernible adverse impact on the domestic industry. *Id.*

⁴⁸ *First Review Determinations*, USITC Pub. 3290 at 12-13.

⁴⁹ *First Review Determinations*, USITC Pub. 3290 at 13-14.

⁵⁰ *First Review Determinations*, USITC Pub. 3290 at 23.

⁵¹ *Second Review Determinations*, USITC Pub. 3842 at 11. The lone BSS producer in Canada ceased all production of brass strip. There was no information in the record to indicate that BSS production in Canada was likely to resume. *Id.* at 10-11.

⁵² *Second Review Determinations*, USITC Pub. 3842 at 11-17.

⁵³ *Third Review Determinations*, USITC Pub. 4313 at 13.

C. Analysis

In these reviews, the statutory threshold for cumulation is satisfied as all reviews were initiated on the same day: March 1, 2017.⁵⁴ In addition, we consider the following issues in deciding whether to exercise our discretion to cumulate the subject imports:

(1) whether imports from any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product; and (3) whether subject imports are likely to compete in the U.S. market under different conditions of competition.⁵⁵

1. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.⁵⁶ Neither the statute nor the Uruguay Round Agreements Act Statement of Administrative Action (“SAA”) provides specific guidance on what factors the Commission is to consider in determining that imports “are likely to have no discernible adverse impact” on the domestic industry.⁵⁷ With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

Based on the record, we do not find that imports from any of the four subject countries are likely to have no discernible adverse impact on the domestic industry in the event of revocation of the antidumping duty orders.

France. In the original investigations, the volume of subject imports from France was *** pounds in 1983, *** pounds in 1984, *** pounds in 1985, *** pounds in interim (January to September) 1985, and *** pounds in interim 1986.⁵⁸ With respect to all (subject and out-of-scope) brass rolled product in France, French producers’ capacity ranged from *** pounds in 1983 to *** pounds in 1985, their production ranged from *** pounds in 1985 to *** pounds in

⁵⁴ *Brass Sheet and Strip From France, Germany, Italy, and Japan: Institution of Five-Year Reviews*, 82 Fed. Reg. 12238 (Mar. 1, 2017).

⁵⁵ The Domestic Interested Parties did not directly address cumulation issues in their response to the notice of institution or comments. Their arguments on likely volume and likely price effects, however, proceeded on the assumption that the Commission would engage in a cumulative analysis.

⁵⁶ 19 U.S.C. § 1675a(a)(7).

⁵⁷ SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

⁵⁸ Confidential France, Germany, and Italy Final Determination Staff Report, Memorandum INV-K-009 (February 2, 1987), EDIS Doc. 610948, at A-18, Table 1; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at A-13, Table 1.

1984, and their exports to the United States accounted for between *** percent and *** percent of their production from 1983 to 1985.⁵⁹

In the first reviews, the volume of subject imports from France had declined substantially from the original investigations. Such imports were zero in 1997 and 83,000 pounds in 1998.⁶⁰ The apparent U.S. consumption market share of these imports was less than 0.05 percent in these years.⁶¹ While there were minimal data on the record concerning capacity in France, the number of subject producers in France decreased from six to two, indicating that capacity had decreased.⁶²

In the second reviews, the volume of subject imports from France remained at relatively minimal levels compared to the original investigations, ranging from zero in 2002 and 2003 to a high of 142,000 pounds in 2004.⁶³ There were significant volumes of BSS exports by French producers to other markets during the period of review, which the Commission found indicated substantial capacity and production in France.⁶⁴

In the third reviews, the volume of subject imports from France fell from 33,000 pounds in 2005 to zero in 2007 and 2008 before rising to 62,000 pounds in 2010.⁶⁵ The apparent U.S. consumption market share of these imports was less than 0.05 percent during the period of these reviews.⁶⁶ Industry-wide capacity of French fabricators to manufacture a broader product group that included BSS was reported to total *** pounds in 2011.⁶⁷

In these reviews, the volume of subject imports from France increased from 12,000 pounds in 2011 to 126,000 pounds in 2013, before declining to 14,000 pounds in 2016.⁶⁸ In 2016, the market share of these imports remains less than 0.05 percent.⁶⁹ While there are minimal data on the record concerning current capacity in France, the Domestic Interested Parties provided a list of four firms they believe currently produce BSS in France and state that subject producers from France still maintain significant capacity to produce BSS that could readily be used to export increased volumes to the U.S. market.⁷⁰ Global Trade Atlas (“GTA”)

⁵⁹ Confidential France, Germany, and Italy Final Determination Staff Report, Memorandum INV-K-009 (February 2, 1987), EDIS Doc. 610948, at A-60, Table 13; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at A-41, Table 13.

⁶⁰ *First Review Determinations*, USITC Pub. 3290 at I-5, Table I-2.

⁶¹ *First Review Determinations*, USITC Pub. 3290 at I-23, Table I-5.

⁶² *First Review Determinations*, USITC Pub. 3290 at IV-4.

⁶³ *Second Review Determinations*, USITC Pub. 3842 at I-6, Table I-1.

⁶⁴ *Second Review Determinations*, USITC Pub. 3842 at 11.

⁶⁵ *Third Review Determinations*, USITC Pub. 4313 at I-6, Table I-1.

⁶⁶ *Third Review Determinations*, USITC Pub. 4313 at I-22, Table I-6.

⁶⁷ Confidential Third Review Opinion, EDIS Doc. 477838, at 15, 35; *Third Review Determinations*, USITC Pub. 4313 at 11.

⁶⁸ CR/PR at Table I-3.

⁶⁹ CR/PR at Table I-4.

⁷⁰ Response at 6 and Exhibit 4.

data indicate that from 2011 to 2016, exports of BSS from France ranged between 3.3 million and 7.1 million pounds.⁷¹

In light of the foregoing, we do not find that subject imports from France would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

Germany. In the original investigations, the volume of subject imports from Germany was *** pounds in 1983, *** pounds in 1984, *** pounds in 1985, *** pounds in interim (January to September) 1985, and *** pounds in interim 1986.⁷² The seven firms identified as producers of the subject merchandise reported combined capacity ranging from *** pounds in 1983 to *** pounds in 1984, production ranging from *** pounds in 1983 to *** pounds in 1984, and total exports ranging from *** pounds in 1985 to *** pounds in 1984.⁷³

In the first reviews, the volume of subject imports from Germany had declined substantially from the initial investigations. Such imports were 4.1 million pounds in 1997 and 5.0 million pounds in 1998.⁷⁴ These imports accounted for between 0.7 percent and 0.9 percent of U.S. apparent consumption between 1997 and the first six months of 1999.⁷⁵ German producers' capacity utilization fell from *** percent in 1997 to *** percent in the first six months of 1999.⁷⁶

In the second reviews, the volume of subject imports from Germany declined from 4.6 million pounds in 1999 to 2.6 million pounds in 2004. During the period of review, the market share of these imports ranged between 0.5 and 0.9 percent.⁷⁷ The Commission found that the industry in Germany had a large production capacity and significant unused capacity, and was highly export oriented.⁷⁸

In the third reviews, the volume of subject imports from Germany ranged from a low of 2.1 million pounds in 2005 to a high of 5.6 million pounds in 2010. Their annual market share of apparent U.S. consumption ranged between 0.7 and 2.1 percent during the period of review.⁷⁹ German producers' reported capacity to produce BSS increased over the period from ***

⁷¹ CR/PR at Table I-8.

⁷² Confidential France, Germany, and Italy Final Determination Staff Report, Memorandum INV-K-009 (February 2, 1987), EDIS Doc. 610948, at A-18, Table 1; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at A-13, Table 1.

⁷³ Confidential France, Germany, and Italy Final Determination Staff Report, Memorandum INV-K-009 (February 2, 1987), EDIS Doc. 610948, at A-65, Table 16; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at Table 16.

⁷⁴ Confidential First Review Staff Report, Memorandum INV-X-054 (March 8, 2000), EDIS Doc. 610996, at I-4, Table I-2; *First Review Determinations*, USITC Pub. 3290 at I-5, Table I-2.

⁷⁵ *First Review Determinations*, USITC Pub. 3290 at I-23, Table I-5.

⁷⁶ Confidential First Review Staff Report, Memorandum INV-X-054 (March 8, 2000), EDIS Doc. 610996, at IV-9, Table IV-9; *First Review Determinations*, USITC Pub. 3290 at IV-5, Table IV-4.

⁷⁷ *Second Review Determinations*, USITC Pub. 3842 at I-7, Table I-1.

⁷⁸ *Second Review Determinations*, USITC Pub. 3842 at 12-13.

⁷⁹ *Third Review Determinations*, USITC Pub. 4313 at I-6, Table I-1

pounds in 2005 to *** pounds in 2010.⁸⁰ Capacity utilization ranged from a high of *** percent in 2006 to a low of *** percent in 2009 and production increased from *** pounds in 2005 to *** pounds in 2010.⁸¹ The Commission again found the subject industry in Germany to be large and export oriented.⁸²

In these reviews, the volume of subject imports from Germany decreased from 9.8 million pounds in 2011 to 6.3 million pounds in 2015, but increased to 6.5 million pounds in 2016.⁸³ In 2016, subject imports from Germany accounted for 1.6 percent of apparent U.S. consumption.⁸⁴ While there are minimal data on the record concerning current capacity in Germany, the Domestic Interested Parties provided a list of 14 firms they believe currently produce BSS in Germany and state that subject producers from Germany still maintain significant capacity to produce BSS that could readily be used to export increased volumes to the U.S. market.⁸⁵ GTA data indicate that Germany was the largest world export source for BSS each year from 2011 to 2016, and that the United States was Germany's sixth largest export market for BSS in 2016.⁸⁶

In light of the foregoing, we do not find that subject imports from Germany would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

Italy. In the original investigations, the volume of subject imports from Italy was *** pounds in 1983, *** pounds in 1984, *** pounds in 1985, *** pounds in interim (January to September) 1985, and *** pounds in interim 1986.⁸⁷ Capacity of subject producers in Italy ranged from *** pounds in 1983 to *** pounds in 1985, and their production ranged from *** pounds in 1983 to *** pounds in 1985.⁸⁸

In the first reviews, the volume of subject imports from Italy had declined substantially from the initial investigations. Such imports were 648,000 pounds in 1997 and 564,000 pounds in 1998.⁸⁹ They accounted for 0.1 percent of apparent U.S. consumption during these two

⁸⁰ Confidential Third Review Opinion, EDIS Doc. 477838, at 16; *Third Review Determinations*, USITC Pub. 4313 at 12.

⁸¹ Confidential Third Review Opinion, EDIS Doc. 477838, at 17; *Third Review Determinations*, USITC Pub. 4313 at 12.

⁸² *Third Review Determinations*, USITC Pub. 4313 at 14.

⁸³ CR/PR at Table I-3.

⁸⁴ CR at Table I-5.

⁸⁵ Response at 6 and Exhibit 4.

⁸⁶ CR/PR at Tables I-9, I-12.

⁸⁷ Confidential France, Germany, and Italy Final Determination Staff Report, Memorandum INV-K-009 (February 2, 1987), EDIS Doc. 610948, at A-18, Table 1; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at A-13, Table 1.

⁸⁸ Confidential France, Germany, and Italy Final Determination Staff Report, Memorandum INV-K-009 (February 2, 1987), EDIS Doc. 610948, at A-60 - A-62, Table 14; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at A-42 - A-43.

⁸⁹ *First Review Determinations*, USITC Pub. 3290 at I-5, Table I-2.

years.⁹⁰ While there were minimal data on the record concerning capacity in Italy, there were five firms that produced brass rolled products in Italy, as in the original investigations.⁹¹

In the second reviews, the volume of subject imports from Italy declined further, decreasing from 297,000 pounds in 1999 to 182,000 pounds in 2004. During this period, these imports' share of apparent U.S. consumption never exceeded 0.1 percent.⁹² The Commission emphasized that exports of brass rolled products from Italy more than doubled over the review period, from 42.5 million pounds in 1999 to 97.6 million pounds in 2004.⁹³

In the third reviews, the volume of subject imports from Italy decreased from 196,000 pounds in 2005 to a low of 21,000 pounds in 2010, and never accounted for more than 0.1 percent of apparent U.S. consumption.⁹⁴ The reporting Italian producer's capacity to produce BSS remained constant at *** pounds from 2005 to 2010.⁹⁵ Capacity utilization increased irregularly from *** percent in 2005 to *** percent in 2010.⁹⁶ Total exports nearly doubled from 2005 to 2010.⁹⁷

In these reviews, the volume of subject imports from Italy declined from 137,000 pounds in 2011 to 64,000 pounds in 2012, increased to 194,000 pounds in 2013, before declining to 2,000 pounds in 2016.⁹⁸ In 2016, subject imports from Italy accounted for less than 0.05 percent of apparent U.S. consumption.⁹⁹ While there are minimal data on the record concerning current capacity in Italy, the Domestic Interested Parties provided a list of eight firms they believe currently produce BSS in Italy and state that subject Italian producers still maintain significant capacity to produce BSS that could readily be used to export increased volumes to the U.S. market.¹⁰⁰ GTA data indicate that Italy was the third largest world source of BSS exports in 2016, and that these exports ranged from 57.3 million pounds in 2014 to 65.0 million pounds in 2011.¹⁰¹

In light of the foregoing, we do not find that subject imports from Italy would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

Japan. In the original investigations, the volume of subject imports from Japan was 17.9 million pounds in 1984, 19.2 million pounds in 1985, 22.9 million pounds in 1986, 20.0 million pounds in 1987, 5.9 million pounds in interim (January to March) 1987, and 491,000 pounds in

⁹⁰ *First Review Determinations*, USITC Pub. 3290 at I-23, Table I-5.

⁹¹ *First Review Determinations*, USITC Pub. 3290 at IV-5.

⁹² *Second Review Determinations*, USITC Pub. 3842 at I-7, Table I-1.

⁹³ *Second Review Determinations*, USITC Pub. 3842 at 13.

⁹⁴ *Third Review Determinations*, USITC Pub. 4313 at I-6, Table I-1.

⁹⁵ *Third Review Determinations*, USITC Pub. 4313 at 14.

⁹⁶ Confidential Third Review Opinion, EDIS Doc. 477838, at 19; *Third Review Determinations*, USITC Pub. 4313 at 14.

⁹⁷ *Third Review Determinations*, USITC Pub. 4313 at IV-11, Table IV-8.

⁹⁸ CR/PR at Table I-3.

⁹⁹ CR/PR at Table I-5.

¹⁰⁰ Response at 6 and Exhibit 4.

¹⁰¹ CR/PR at Tables I-12.

interim 1988.¹⁰² Capacity of subject producers in Japan ranged from 499.1 million pounds in 1984 to 528 million pounds in 1987, and production ranged from a high of 454.7 million pounds in 1984 to a low of 428.2 million pounds in 1985.¹⁰³

In the first reviews, the volume of subject imports from Japan had declined substantially from the initial investigations. Such imports were 3.5 million pounds in 1997 and 4.9 million pounds in 1998.¹⁰⁴ They accounted for 0.6 percent of apparent U.S. consumption in 1997 and 0.9 percent in 1998.¹⁰⁵ Japanese producers' capacity utilization was at its highest at 91.4 percent in 1997 and at its lowest in 1998 at 87.2 percent.¹⁰⁶

In the second reviews, the volume of subject imports from Japan decreased from 5.0 million pounds in 1999 to 3.2 million pounds in 2004. Their market share ranged from a low of 0.9 percent in 2003 and 2004 to a high of 1.4 percent in 1999.¹⁰⁷ Japanese producers' total exports of brass rolled products during the review period ranged from a high of 63.2 million pounds in 1999 to a low of 35.7 million pounds in 2001.¹⁰⁸

In the third reviews, the volume of subject imports from Japan substantially decreased from 2.8 million pounds in 2005 to 398,000 pounds in 2010. Their share of apparent U.S. consumption declined from 0.7 percent in 2005 to 0.1 percent in 2010.¹⁰⁹ Reported capacity of the BSS industry in Japan was *** pounds in each calendar year.¹¹⁰ Reported production fell over the period, and reported capacity utilization decreased from *** percent in 2005 to *** percent in 2010.¹¹¹

In these reviews, the volume of subject imports from Japan ranged from 561,000 pounds in 2011 to 856,000 pounds in 2013.¹¹² In 2016, subject imports from Japan accounted for 0.2 percent of apparent U.S. consumption.¹¹³ While there are minimal data on the record concerning current capacity in Japan, the Domestic Interested Parties provided a list of 21 firms they believe currently produce BSS in Japan and state that subject Japanese producers still maintain significant capacity to produce BSS that could readily be used to export increased volumes to the U.S. market.¹¹⁴ GTA data indicate that Japan was the world's fourth largest

¹⁰² *Japan Original Determinations*, USITC Pub. 2099 (July 1988) at A-10, Table 1.

¹⁰³ *Japan Original Determinations*, USITC Pub. 2099 at A-30, Table 11.

¹⁰⁴ *First Review Determinations*, USITC Pub. 3290 at I-5, Table I-2.

¹⁰⁵ *First Review Determinations*, USITC Pub. 3290 at I-23, Table I-5.

¹⁰⁶ *First Review Determinations*, USITC Pub. 3290 at IV-7, Table IV-5.

¹⁰⁷ *Second Review Determinations*, USITC Pub. 3842 at I-7, Table I-1.

¹⁰⁸ *Second Review Determinations*, USITC Pub. 3842 at IV-16, Table IV-13.

¹⁰⁹ *Third Review Determinations*, USITC Pub. 4313 at I-6, Table I-1.

¹¹⁰ Confidential Third Review Opinion, EDIS Doc. 477838, at 20; *Third Review Determinations*, USITC Pub. 4313 at 15.

¹¹¹ Confidential Third Review Opinion, EDIS Doc. 477838, at 20; *Third Review Determinations*, USITC Pub. 4313 at 15.

¹¹² CR/PR at Table I-3.

¹¹³ CR/PR at Table I-5.

¹¹⁴ Response at 6 and Exhibit 4.

source of BSS exports in 2016 and that the United States was Japan's sixth largest export market for BSS that year.¹¹⁵

In light of the foregoing, we do not find that subject imports from Japan would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

2. Likelihood of a Reasonable Overlap of Competition

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like product.¹¹⁶ Only a "reasonable overlap" of competition is required.¹¹⁷ In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.¹¹⁸

Fungibility. In the original investigations, the Commission found that subject imports and the domestic like product competed with each other sufficiently to satisfy the fungibility requirements.¹¹⁹ In the first reviews, the Commission found a moderate-to-high degree of substitutability among the domestic like product and subject imports.¹²⁰ In the second reviews, a majority of purchasers identified price as an important factor in selecting a supplier and stated that the domestic like product was comparable to, and interchangeable with, subject imports. The Commission found that BSS producers in Germany offered a full product range

¹¹⁵ CR/PR Table I-11.

¹¹⁶ The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are: (1) the degree of fungibility among subject imports from different countries and between subject imports and the domestic like product, including consideration of specific customer requirements and other quality-related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and (4) whether subject imports are simultaneously present in the market with one another and the domestic like product. *See, e.g., Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int'l Trade 1989).

¹¹⁷ *See Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int'l Trade 1996); *Wieland Werke*, 718 F. Supp. at 52 ("Completely overlapping markets are not required."); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (Ct. Int'l Trade 1994), *aff'd*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. *See, e.g., Live Cattle from Canada and Mexico*, Inv. Nos. 701-TA-386 and 731-TA-812-13 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff'd sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int'l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-62 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

¹¹⁸ *See generally, Cheflene Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int'l Trade 2002).

¹¹⁹ *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 12-13; *Japan Original Determinations*, USITC Pub. 2099 at 15.

¹²⁰ *First Review Determinations*, USITC Pub. 3290 at 12.

and that subject imports from Germany were interchangeable with other subject imports and the domestic like product.¹²¹ In the third reviews, the Commission found that the domestic like product and subject imports were interchangeable and rejected German respondents' arguments about the lack of fungibility of subject imports from Germany on the same grounds as in the second reviews.¹²²

There is no new information on the record in these fourth reviews to indicate that the fungibility of BSS imports from different subject sources with the domestic like product or each other has changed.

Channels of Distribution. In the original investigations concerning Japan and the Netherlands, the Commission rejected arguments that subject imports from Japan and the Netherlands were sold through different channels of distribution.¹²³ In the first reviews, the Commission found that there was no indication of significant differences in channels of distribution among the subject imports and between the domestic like product and the subject merchandise.¹²⁴ In the second reviews, the Commission found that, even though there were low volumes of subject imports, nothing in the record indicated that the imports would not be marketed through similar channels of distribution as prior to the orders.¹²⁵ In the third reviews, the Commission found that most U.S. producers' commercial sales and sales of those imports from Germany and nonsubject sources for which data were available were to end users, and nothing in the record indicated this would not be true for subject imports from all subject countries if the orders were revoked.¹²⁶

There is no new information on the record in these fourth reviews to indicate that the channels of distribution have changed or are likely to do so upon revocation.

Geographic Overlap. In the original investigations, the Commission found that subject imports satisfied the geographic overlap factor.¹²⁷ In the first reviews, despite an analysis limited by low volumes of subject imports, the Commission found that nothing indicated that subject imports would not again be marketed nationwide.¹²⁸ In the second and third reviews, U.S. producers and importers reported selling BSS to all U.S. regions and the Commission found that nothing in the record indicated that subject imports would not again be marketed nationwide upon revocation of the orders.¹²⁹

¹²¹ *Second Review Determinations*, USITC Pub. 3842 at 15.

¹²² *Third Review Determinations*, USITC Pub. 4313 at 16.

¹²³ *Japan Original Determinations*, USITC Pub. 2099 at 15 (rejecting assertions that subject imports from Japan were sold to distributors while subject imports from the Netherlands were sold to end users).

¹²⁴ *First Review Determinations*, USITC Pub. 3290 at 12.

¹²⁵ *Second Review Determinations*, USITC Pub. 3842 at 16.

¹²⁶ *Third Review Determinations*, USITC Pub. 4313 at 16.

¹²⁷ *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 12-13; *Japan Original Determinations*, USITC Pub. 2099 at 15.

¹²⁸ *First Review Determinations*, USITC Pub. 3290 at 12.

¹²⁹ *Second Review Determinations*, USITC Pub. 3842 at 15; *Third Review Determinations*, USITC Pub. 4313 at 16.

The record in these reviews indicates that the majority of the limited quantity of BSS imports from each of the four subject countries entered the United States in the New York, NY customs district.¹³⁰

Simultaneous Presence in Market. In the original investigations, the Commission found that imports from each subject country and the domestically produced product were simultaneously present in the U.S. market.¹³¹ In the first reviews, the Commission found no reason to depart from this prior finding.¹³² In the second reviews, the Commission found that the subject imports would be simultaneously present in the market if the orders were revoked.¹³³ In the third reviews, the Commission found that subject imports from France were present in the U.S. market in four of the six years of the period of review, while subject imports from the remaining countries were present in all years.¹³⁴

In these reviews, imports from all four subject countries were present in the U.S. market during each year from 2011 to 2016, albeit at low levels.¹³⁵

Conclusion. The record of these expedited reviews contains very limited information concerning subject imports in the U.S. market during the period of review. There is no information suggesting a change in the market factors that led the Commission in the prior three reviews to conclude that there would be a likely reasonable overlap of competition among imports from different subject sources, and between imports from each subject source and the domestic like product upon revocation. In light of this, and the absence of any contrary argument, we find a likely reasonable overlap of competition among subject imports from France, Germany, Italy, and Japan and between the domestic like product and subject imports from each source.

3. Likely Conditions of Competition

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether subject imports from the subject countries would compete under similar or different conditions in the U.S. market if the orders under review were revoked. In the first and second five-year reviews, the Commission made brief findings that subject imports from France,

¹³⁰ CR/PR at Table I-7. Subject imports also entered through Chicago, IL, Norfolk, VA, and Los Angeles, CA. *Id.*

¹³¹ *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 12-13; *Japan Original Determinations*, USITC Pub. 2099 at 15.

¹³² *First Review Determinations*, USITC Pub. 3290 at 11-12.

¹³³ *Second Review Determinations*, USITC Pub. 3842 at 16.

¹³⁴ *Third Review Determinations*, USITC Pub. 4313 at 16.

¹³⁵ CR/PR at Table I-3. Subject imports from Germany and Japan were present in the U.S. market during every month from January 2011 to December 2016. Subject imports from France and Italy were present in the U.S. market during 40 and 42 months, respectively, of the 72 total months from January 2011 to December 2016. CR/PR at Table I-6.

Germany, Italy, and Japan would likely compete in the U.S. market under similar conditions of competition if the antidumping duty orders were revoked.¹³⁶

In the third five-year reviews, respondents from Germany argued that the likely conditions of competition for subject imports from Germany differed from those for the other subject countries' imports. However, the Commission found that the common ownership of certain subject producers from Germany and domestic producers was insufficient to warrant declining to cumulate subject imports from Germany with other subject imports. Specifically, the Commission found no indication that these relationships would limit imports from Germany upon revocation of the orders.¹³⁷

The record in these reviews does not indicate that there would likely be any significant difference in the conditions of competition among subject imports upon revocation.

Accordingly, we exercise our discretion to cumulate subject imports from France, Germany, Italy, and Japan.

IV. Revocation of the Antidumping Duty Orders Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Legal Standards

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."¹³⁸ The SAA states that "under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports."¹³⁹ Thus, the likelihood standard is prospective in nature.¹⁴⁰ The U.S. Court of International Trade has found that

¹³⁶ *First Review Determinations*, USITC Pub. 3290 at 13; *Second Review Determinations*, USITC Pub. 3842 at 16.

¹³⁷ Confidential Third Review Opinion, EDIS Doc. 477838, at 23-25; *Third Review Determinations*, USITC Pub. 4313 at 17-18.

¹³⁸ 19 U.S.C. § 1675a(a).

¹³⁹ SAA at 883-84. The SAA states that "[t]he likelihood of injury standard applies regardless of the nature of the Commission's original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed." *Id.* at 883.

¹⁴⁰ While the SAA states that "a separate determination regarding current material injury is not necessary," it indicates that "the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like (Continued...)"

“likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.¹⁴¹

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”¹⁴² According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”¹⁴³

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”¹⁴⁴ It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).¹⁴⁵ The statute further provides

(...Continued)

product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

¹⁴¹ See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), *aff’d mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion;” “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

¹⁴² 19 U.S.C. § 1675a(a)(5).

¹⁴³ SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

¹⁴⁴ 19 U.S.C. § 1675a(a)(1).

¹⁴⁵ 19 U.S.C. § 1675a(a)(1). Commerce has not made any duty absorption findings with respect to the antidumping duty orders on U.S. imports of BSS from France, Italy, or Japan. With respect to subject imports from Germany, Commerce found that duty absorption existed on all of Wieland-Werke AG’s exports to the United States from Germany for the period March 1, 1997 to February 28, 1998. Commerce determined the margin to be 16.18 percent. CR at I-16, PR at I-12.

that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission's determination.¹⁴⁶

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.¹⁴⁷ In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.¹⁴⁸

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.¹⁴⁹

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.¹⁵⁰ All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to

¹⁴⁶ 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

¹⁴⁷ 19 U.S.C. § 1675a(a)(2).

¹⁴⁸ 19 U.S.C. § 1675a(a)(2)(A-D).

¹⁴⁹ See 19 U.S.C. § 1675a(a)(3). The SAA states that "{c}onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

¹⁵⁰ 19 U.S.C. § 1675a(a)(4).

which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.¹⁵¹

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the BSS industries in France, Germany, Italy, and Japan. There also is limited information on the BSS market in the United States during the period of review. Accordingly, for our determinations, we rely as appropriate on the facts available from the original investigations and prior reviews, and the limited new information on the record in these reviews.

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”¹⁵² The following conditions of competition inform our determinations.

1. Demand Conditions

In the original investigations, the Commission described the demand for C20000 series BSS as greater in 1984 than at any other time during the January 1983 to June 1986 period of investigation.¹⁵³ In the first five-year reviews, the Commission found that demand remained fairly flat, as reduced demand in certain end-use product markets has been sufficiently offset by increased demand in other applications.¹⁵⁴

In the second five-year reviews, the Commission explained that BSS was used in a wide variety of downstream products. It also found that apparent U.S. consumption had decreased irregularly over the period of review due to the movement of U.S. manufacturing to lower cost countries, the high price of copper, and the manufacturing recession in 2001 to 2003.¹⁵⁵

In the third five-year reviews, the Commission found that demand for BSS depended on the demand for U.S.-produced downstream products, including electrical terminals, automotive stamped parts, appliance parts, controls components, electrical connectors, locksets,

¹⁵¹ The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

¹⁵² 19 U.S.C. § 1675a(a)(4).

¹⁵³ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 10; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 16. In the final determinations concerning BSS from Japan and the Netherlands, the Commission found that the structure of the domestic industry had not changed significantly since 1984. *Japan Original Determinations*, USITC Pub. 2099 at 16.

¹⁵⁴ *First Review Determinations*, USITC Pub. 3290 at 18.

¹⁵⁵ *Second Review Determinations*, USITC Pub. 3842 at 19-20.

decorative plumbing accessories, and ordnance. The Commission also observed that apparent U.S. consumption declined irregularly over the January 2005 to September 2011 period of review, in part because of the economic downturn in 2008 to 2009.¹⁵⁶

In these reviews, apparent U.S. consumption of BSS in 2016 was 403.4 million pounds in 2016, which is incrementally higher (0.84 percent) than what it was in 2010.¹⁵⁷ The Domestic Interested Parties maintain that BSS is a mature product.¹⁵⁸ They also contend that demand for BSS remains weak and subdued since the time of the previous reviews, and demand has been slowly contracting as U.S. industrial purchasers have continued to move production overseas.¹⁵⁹

2. Supply Conditions

In the first five-year reviews, the Commission found that the domestic industry had consolidated somewhat since the original investigations, with eight producers supplying the U.S. market in lieu of the nine that supplied it at the time of the original investigations. Nonetheless, capacity had increased since the original investigations. The domestic industry's market share had also increased, and nonsubject imports held a larger share of the market than subject imports, although nonsubject imports' share was not markedly higher than during the original investigations.¹⁶⁰

In the second five-year reviews, the Commission found that U.S. producers' share of the contracting U.S. market had declined irregularly over the period and that subject imports' share had remained small. Nonsubject imports' market share had generally increased over the period.¹⁶¹

In the third five-year reviews, the Commission found that U.S. producers' market share rose irregularly, subject import market share remained small, and nonsubject import market share fell. The Commission also found that the domestic industry, comprised of basic producers and rerollers, had continued to restructure since the second five-year reviews, and in 2010 consisted of three basic producers, three rerollers, and one firm that was both a basic producer and a reroller.¹⁶²

In these reviews, the vast majority of apparent U.S. consumption is still satisfied by the domestic industry while the market share of cumulated subject imports remains small. The domestic industry accounted for 94.1 percent of apparent U.S. consumption, which is higher than its share of 91.8 percent in 2010. Nonsubject imports accounted for the next largest share of apparent U.S. consumption in 2016, at 4.1 percent, which is lower than their share of 6.6 percent in 2010. Cumulated subject imports accounted for 1.8 percent of apparent U.S.

¹⁵⁶ *Third Review Determinations*, USITC Pub. 4313 at 20-21.

¹⁵⁷ CR/PR at Table I-4.

¹⁵⁸ Response at 14.

¹⁵⁹ Response at 14; Final Comments at 4.

¹⁶⁰ *First Review Determinations*, USITC Pub. 3290 at 17-18.

¹⁶¹ *Second Review Determinations*, USITC Pub. 3842 at 20.

¹⁶² *Third Review Determinations*, USITC Pub. 4313 at 21-22.

consumption in 2016, which is slightly higher than their 1.5 percent share in 2010.¹⁶³ Domestic producer Revere Copper Products announced in February 2016 that it would cease production of BSS permanently, but the Domestic Interested Parties state that the exit would not affect the domestic industry's ability to service the U.S. market.¹⁶⁴

3. Substitutability

In the original investigations, the Commission found that price played an important role in purchasing decisions.¹⁶⁵ In the first five-year reviews, the Commission found that the conditions of competition had not changed since the imposition of the orders and that the domestic like product and subject imports were fairly price competitive.¹⁶⁶

In the second five-year reviews, the Commission found that there was a high degree of substitutability between the domestic like product and subject imports, and price was an important factor in purchasing decisions. In addition, producers, importers and purchasers found BSS from all subject sources to be always or frequently interchangeable.¹⁶⁷

In the third five-year reviews, the Commission found a moderate-to-high degree of substitutability between the domestic like product and BSS imports from subject and nonsubject sources. The Commission found that the market for subject BSS was price competitive given the importance of price in purchasing decisions and the products' substitutability.¹⁶⁸

The information available in these expedited reviews contains nothing to indicate that the substitutability between domestically produced BSS and subject imports, regardless of source, or the importance of price has changed since the prior reviews.¹⁶⁹ Accordingly, we again find that subject imports and the domestic like product are moderately to highly substitutable, and that price is an important factor in purchasing decisions.

4. Other Conditions

In the first five-year reviews, the Commission noted the various ways in which BSS was produced and sold, including tolling. The Commission also found that the end-use markets had

¹⁶³ CR/PR at Table I-5.

¹⁶⁴ CR/PR at I-3; Response at 15; Final Comments at 5.

¹⁶⁵ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 10; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 16.

¹⁶⁶ *First Review Determinations*, USITC Pub. 3290 at 23-24.

¹⁶⁷ *Second Review Determinations*, USITC Pub. 3842 at 20-21.

¹⁶⁸ *Third Review Determinations*, USITC Pub. 4313 at 22-23.

¹⁶⁹ The Domestic Interested Parties maintain that BSS is still a fungible, readily substitutable product regardless of source, and that price remains an important purchasing factor in the U.S. market. Response at 8-9; Final Comments at 2, 4.

undergone minor changes since the original investigations and that substitute products had displaced BSS in certain applications.¹⁷⁰

In the second five-year reviews, the Commission observed that U.S. integrated producers shipped *** of their BSS to end users, *** to distributors, and *** to rerollers during the period of review. Subject importers shipped *** of their BSS to distributors, while importers of nonsubject merchandise shipped *** of their BSS to end users during most of the period.¹⁷¹

In the third five-year reviews, the Commission found that raw material costs were a major factor in BSS production. Consequently, changes in the price of raw materials during the period of review, including brass scrap, copper, zinc, and other alloys, caused large changes in BSS prices. Energy costs, which also generally increased during the period of review, were also a major factor in the cost of fabrication. The Commission also found that toll production and sales were common in the industry.¹⁷²

The limited new information obtained in these expedited reviews contains nothing to indicate that these other conditions of competition found by the Commission in the prior reviews have changed.

C. Likely Volume of Subject Imports

1. The Original Investigations and Prior Reviews

In the original investigations, the Commission found that the volume of subject imports fluctuated throughout the periods examined, but was significant.¹⁷³ In the first five-year reviews, the Commission found that the volume of subject imports was much smaller than in the original investigations. Because the record did not indicate any changes in the conditions of competition with respect to these imports, the Commission concluded that the orders were primarily responsible for the reduction in exports of BSS from the subject countries to the United States. The Commission further found that there was significant unused capacity in the subject countries and that there was no information indicating any likely limitations on the subject countries' resumption of significant export shipments to the United States if the orders were revoked. Thus, producers in the subject countries would have the ability and incentive to increase exports to the United States in the event of revocation.¹⁷⁴

¹⁷⁰ *First Review Determinations*, USITC Pub. 3290 at 17-18.

¹⁷¹ Confidential Second Review Opinion, EDIS Doc. 250583, at 22; *Second Review Determinations*, USITC Pub. 3842 at 20.

¹⁷² *Third Review Determinations*, USITC Pub. 4313 at 22-23.

¹⁷³ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 14-15; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 13-14; *Japan Original Determinations*, USITC Pub. 2099 at 17-18. The original investigations and first and second reviews each involved a different number of other countries whose imports were then subject to investigation and were cumulated with the imports of the four countries currently subject to orders.

¹⁷⁴ *First Review Determinations*, USITC Pub. 3290 at 23.

In the second five-year reviews, the Commission found the volume of subject imports to be much smaller than in the original investigations. It found that the subject industries possessed substantial capacity and excess capacity to produce BSS, and were export oriented. It observed that, despite some declines in consumption, the U.S. market remained a large and attractive one without significant structural constraints on subject producers' ability to reenter the U.S. market in the event of revocation. The evidence of prices in the United States relative to other global markets was mixed, but the Commission found that subject producers had the incentive to export more of their product to the United States in order to utilize their available capacity more effectively. Thus, the Commission determined that, if the orders were revoked, the subject producers would have the ability and motivation to increase exports to the United States.¹⁷⁵

In the third five-year reviews, the Commission found subject import volumes were small, both absolutely and relative to apparent U.S. consumption. It indicated that this appeared to be in substantial part a function of the orders. The Commission found that the subject countries' industries had both substantial and excess capacity to produce BSS, and continued to be export oriented. Despite some decline in consumption during the period of review, the Commission observed that the United States remained a large and attractive market for BSS, and that apparent U.S. consumption of BSS, although reduced from pre-recession levels, remained substantial. The Commission also found no indication of significant structural constraints on subject producers' abilities to reenter the U.S. market if the orders were revoked. Because the Commission found that subject producers had an incentive to produce and export to the United States additional quantities of BSS if the orders were revoked, it found that a significant volume of subject BSS imports was likely.¹⁷⁶

2. The Current Reviews

In these reviews, the available information indicates that the orders have continued to restrain the volume of subject imports from France, Germany, Italy, and Japan. The volume of cumulated subject imports was 10.5 million pounds in 2011, 9.7 million pounds in 2012, 9.1 million pounds in 2013, 8.1 million pounds in 2014, 7.0 million pounds in 2015, and 7.2 million pounds in 2016.¹⁷⁷ Cumulated subject imports accounted for 1.8 percent of apparent U.S. consumption in 2016.¹⁷⁸

¹⁷⁵ *Second Review Determinations*, USITC Pub. 3842 at 31-35.

¹⁷⁶ *Third Review Determinations*, USITC Pub. 4313 at 24-27.

¹⁷⁷ CR/PR at Table I-3. The volume of subject imports from France, Germany, Italy, and Japan was 53 million pounds, 11 million pounds, 6 million pounds, and 6 million pounds in 1987, 1998, 2004, and 2010, respectively. CR/PR at Table I-4.

¹⁷⁸ CR/PR at Table I-5. Subject imports from France, Germany, Italy, and Japan accounted for 9.2 percent, 1.9 percent, 1.1 percent, and 1.5 percent of apparent U.S. consumption in 1987, 1998, 2004, and 2010, respectively. *Id.*; see also Confidential Japan Final Determination Staff Report, Memorandum INV-L-051 (July 18, 1988), EDIS Doc. 610951, at Tables 14 and 15. The percentage for 1987 may differ (Continued...)

The record contains only limited data concerning the BSS industries in the subject countries because no producer or exporter of subject merchandise participated in these reviews. The most contemporaneous information available about the subject industries is provided by Domestic Interested Parties, which indicates that these industries have maintained or expanded their BSS production capacity.¹⁷⁹ Subject producers in Germany, in particular, the world's largest BSS exporter, have made major capital investments in BSS production capacity and distribution capabilities to market their products in the U.S. market.¹⁸⁰

The record also indicates that BSS producers in France, Germany, Italy, and Japan remain export oriented and interested in the U.S. market. GTA data indicate that Germany, Italy, and Japan were the world's first, third, and fourth largest exporters of BSS in 2016, respectively.¹⁸¹ The industry in France also exports appreciable amounts of BSS.¹⁸² Indeed, albeit at low levels, subject imports were present in the U.S. market in each year of the period of review, despite the antidumping duty orders.¹⁸³

Accordingly, based on the information available regarding the subject producers' production capacity, export orientation, and the attractiveness of the U.S. market, we conclude that the volume of cumulated subject imports, both in absolute terms and relative to U.S. consumption, would likely be significant should the orders be revoked.¹⁸⁴

(...Continued)

from that in the confidential report because of a tabulation error discovered in the report after the record closed.

¹⁷⁹ Response at 6; Final Comments at 7.

¹⁸⁰ Response at 15-16; Final Comments at 7. The Domestic Interested Parties contend that German producer Wieland Werke invested 51 million euros in 2011 for new billet caster, heat treatment, and tinning facilities; German producer Messingwerk Plettenberg invested 4 million euros in a new state-of-the-art vertical strand annealing tower with an annual capacity of 13,800 metric tons that came online in 2014; German producer Gebr. Kemper established a new sales subsidiary in New Jersey in 2012; and German producer MKM has made substantial capital investments in new technology as well as announced "aggressive" business growth targets to expand global sales by 2018. Response at 15-16.

¹⁸¹ Final Comments at 7; CR/PR at Table I-12.

¹⁸² CR/PR at Table I-8.

¹⁸³ CR/PR at Table I-3.

¹⁸⁴ Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the potential for product shifting. Imports of BSS from France, Germany, Italy, or Japan are not subject to antidumping or countervailing duty orders in any other country. CR at I-38, PR at I-28.

D. Likely Price Effects

1. The Original Investigations and Prior Reviews

In the original investigations, the Commission found widespread underselling by the subject imports from France, Germany, Italy, and Japan.¹⁸⁵ The Commission found that such underselling led to price suppression and/or depression.¹⁸⁶ In the first five-year reviews, the Commission found that if the orders were revoked, the subject imports would need to be priced aggressively to regain market share in light of the price-competitive nature of the U.S. market. The Commission found that the subject imports would likely significantly undersell the domestic like product and would likely have significant depressing and suppressing effects on the prices of the domestic like product.¹⁸⁷ The Commission made similar findings in the second and third five-year reviews.¹⁸⁸

2. The Current Reviews

The record in these expedited reviews does not contain recent pricing comparisons. As discussed above, cumulated subject import volume would likely increase to significant levels upon revocation. This likely significant volume of subject imports from France, Germany, Italy, and Japan would likely undersell domestic prices as subject producers attempted to regain market share, as demonstrated by their pricing behavior prior to the orders. As noted above, there remains a moderate-to-high degree of substitutability between subject imports and the domestic like product, and price continues to be an important factor in purchasing decisions. Therefore, the likely significant volume of subject imports would likely undersell the domestic like product and force the domestic industry either to lower sales prices or lose sales and cede market share. In light of these considerations and the record before the Commission in these

¹⁸⁵ *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 15-16. In the original investigation of subject imports from France, the data showed underselling in all but one of the 35 direct quarterly price comparisons; for subject imports from Germany, there was underselling in 43 of 58 direct quarterly price comparisons; for subject imports from Italy, there was underselling in all 30 quarterly price comparisons. *Id.* In the original investigation of subject imports from Japan, price comparisons showed underselling in 74 of 100 instances. *Japan Original Determinations*, USITC Pub. 2099 at 19.

¹⁸⁶ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 15-16; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 16-17; *Japan Original Determinations*, USITC Pub. 2099 at 19-20. We note that the original investigations involved imports from other, then-subject countries whose pricing data were considered along with the data concerning imports from the four countries currently subject to orders.

¹⁸⁷ *First Review Determinations*, USITC Pub. 3290 at 24.

¹⁸⁸ *Second Review Determinations*, USITC Pub. 3842 at 25; *Third Review Determinations*, USITC Pub. 4313 at 28. In both the second and third five-year reviews, the Commission found that the domestic industry could not sustain charging high average prices to reflect its high raw material costs, if the orders were revoked. *Id.*

reviews, we conclude that, absent the disciplining effect of the orders, subject imports from France, Germany, Italy, and Japan would likely have significant depressing or suppressing effects on prices for the domestic like product.

E. Likely Impact

1. The Original Investigations and Prior Reviews

In the original investigations, the Commission found that the increasing volumes of subject imports that were underselling the domestic like product caused declines in the domestic industry's market share and material injury to the domestic industry.¹⁸⁹ In the first five-year reviews, the Commission found that, in the event of revocation of the orders, the significantly increased volumes of cumulated subject imports and the accompanying adverse price effects would have a significant negative impact on the domestic industry's production, shipments, sales, market share, and revenues. It also found that the domestic industry was not in a vulnerable condition.¹⁹⁰

In the second five-year reviews, the Commission found that the domestic industry was vulnerable to injury by increased subject imports due to the decline in the industry's capacity, production, market share, operating income, unit operating income, and employment. The Commission concluded that revocation of the orders would lead to a significant increase in the volume of cumulated subject imports, which would undersell the domestic like product and significantly depress or suppress U.S. prices, and have a significant negative impact on the domestic industry's production, shipments, sales, market share, and revenues. These factors would adversely affect the industry's profitability and ability to raise capital and maintain necessary capital investments.¹⁹¹

In the third five-year reviews, the Commission again found that the domestic industry was vulnerable to injury by increased subject imports. The Commission observed that the industry's production, capacity utilization, shipments, net sales, production and related workers, and wages all declined at the end of the period of review. The Commission found that if the orders were revoked, the likely significant volume of subject imports would likely significantly undersell domestic products, causing the domestic industry to either cut prices or restrain price increases leading to a loss in revenues. The Commission found that this would likely cause further deterioration in the industry's already weak financial performance, and it concluded that this would likely ultimately result in losses in the domestic industry's output, as well as its market share, which had increased over the period of these reviews. The Commission further found that although there was a significant volume of nonsubject imports

¹⁸⁹ *Brazil, Canada, and Korea Original Determinations*, USITC Pub. 1930 at 15-16; *France, Germany, and Italy Original Determinations*, USITC Pub. 1951 at 16-17; *Japan Original Determinations*, USITC Pub. 2099 at 19-21.

¹⁹⁰ *First Review Determinations*, USITC Pub. 3290 at 24.

¹⁹¹ *Second Review Determinations*, USITC Pub. 3842 at 26-28.

in the U.S. market, any increase in subject import market share would likely be at the expense of the domestic industry.¹⁹²

2. The Current Reviews

Because of the expedited nature of these reviews, the available information concerning the recent performance of the domestic industry consists only of that which the Domestic Interested Parties provided in their response to the notice of institution. This limited information is insufficient for us to make a finding as to whether the domestic industry is vulnerable to continuation or recurrence of material injury in the event of revocation of the orders.

The information in the record indicates that in 2016, the domestic industry's capacity was 608 million pounds, its capacity utilization was 63.0 percent, its production was 383 million pounds, and its U.S. commercial shipments were 287 pounds.¹⁹³ The industry's net sales in 2016 were \$684.7 million, its operating income was \$16.5 million, and its ratio of operating income to net sales was 2.4 percent.¹⁹⁴

As previously discussed, revocation of the orders would be likely to lead to a significant volume of subject imports that would undersell the domestic like product and have significant adverse effects on the domestic industry's prices. Consequently, the likely significant volume of cumulated subject imports would place pressure on domestic producers to cut prices or cede market share to subject imports. The likely significant volume of subject imports and their price effects would negatively affect the domestic industry's production capacity, production, capacity utilization, shipments, and market share, directly impacting the domestic industry's profitability and employment.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports, so as not to attribute injury from other factors to the subject imports. Nonsubject imports' market share was lower in 2016, at 4.1 percent, than in 2010, when it was 6.6 percent.¹⁹⁵ Moreover, there is no indication on the record that the presence of nonsubject imports would prevent cumulated subject imports from re-entering the U.S. market in significant quantities upon revocation of the orders. Given the substitutability of BSS regardless of source and the fact that the domestic industry is currently the largest supplier to the U.S. market, any increase in cumulated subject import market share would likely come, at

¹⁹² *Third Review Determinations*, USITC Pub. 4313 at 30-32.

¹⁹³ CR/PR at Table I-2. The domestic industry's production capacity in 2016 exceeded its 2010 capacity of 579 million pounds, while its capacity utilization was approximately the same. Correspondingly, its production in 2016 was slightly higher than in 2010, when it was 368 million pounds. Although the domestic industry's U.S. commercial shipments in 2016 were greater than in 2010, when it was 190 million pounds, the average unit value of \$*** per pound in 2016 was smaller than in 2010, when it was \$2.44 per pound. *Id.*

¹⁹⁴ CR/PR at Table I-2. While net sales and operating income in 2016 were lower than that of 2010, the ratio of operating income to net sales was relatively the same. *Id.*

¹⁹⁵ CR/PR at Table I-5.

least in substantial proportion, at the expense of the domestic industry. In light of these considerations, we find that subject imports of BSS from France, Germany, Italy, and Japan would likely cause adverse effects on the domestic industry that are distinct from those of nonsubject imports in the event of revocation.

Accordingly, we conclude that if the orders were revoked, cumulated subject imports would likely have a significant impact on the domestic industry within a reasonably foreseeable time.

V. Conclusion

For the above reasons, we determine that that revocation of the antidumping duty orders on BSS from France, Germany, Italy, and Japan would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INFORMATION OBTAINED IN THESE REVIEWS

BACKGROUND

On March 1, 2017, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ that it had instituted reviews to determine whether revocation of antidumping duty orders on brass sheet and strip (“BSS”) from France, Germany, Italy, and Japan would likely lead to the continuation or recurrence of material injury to a domestic industry.² All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.^{3 4} The following tabulation presents information relating to the background and schedule of this proceeding:

Effective or statutory date	Action
March 1, 2017	Notice of initiation and institution by Commerce and Commission
June 5, 2017	Commission vote on adequacy
July 3, 2017	Commerce results of its expedited reviews
July 31, 2017	Commission deadline to complete expedited reviews
February 26, 2018	Commission statutory deadline to complete full reviews

¹ 19 U.S.C. 1675(c).

² *Brass Sheet and Strip From France, Germany, Italy, and Japan; Institution of Five-Year Reviews*, 82 FR 12238, March 1, 2017. In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of five-year reviews of the subject antidumping duty orders concurrently with the Commission’s notice of institution. *Initiation of Five-Year (“Sunset”) Reviews*, 82 FR 12438, March 3, 2017 (effective date of March 1, 2017). Pertinent *Federal Register* notices are referenced in app. A, and may be found at the Commission’s website (www.usitc.gov).

³ As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in prior proceedings is presented in app. C.

⁴ Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the subject merchandise. Presented in app. D are the responses received from purchaser surveys transmitted to the purchasers identified in the adequacy phase of these reviews.

RESPONSES TO THE COMMISSION’S NOTICE OF INSTITUTION

Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews. It was filed on behalf of the following entities:

1. Aurubis Buffalo, Inc. (“Aurubis Buffalo”), integrated domestic producer of BSS;
2. GBC Metals (d/b/a Olin Brass) (“Olin Brass”), integrated domestic producer of BSS;
3. Heyco Metals, Inc. (“Heyco”), reroller of BSS;
4. PMX Industries, Inc. (“PMX”), integrated domestic producer of BSS; and
5. Revere Copper Products, Inc. (“Revere”), integrated domestic producer of BSS (collectively referred to herein as “domestic interested parties”)

A complete response to the Commission’s notice of institution requires that the responding interested party submit to the Commission all the information listed in the notice. Responding firms are given an opportunity to remedy and explain any deficiencies in their responses. A summary of the number of responses and estimates of coverage for each is shown in table I-1.

Table I-1

BSS: Summary of responses to the Commission’s notice of institution

Type of interested party	Completed responses	
	Number	Coverage
Domestic:		
U.S. producer	1	***

Party comments on adequacy

The Commission received one submission from domestic interested parties commenting on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews.

Domestic interested parties argued that the Commission should find the respondent interested party group response to be inadequate since there was no complete submission by any respondent interested party. Therefore, because of the inadequate response by the respondent interested parties and the fact that there have been no major changes in the conditions of competition in the market since the Commission’s last five-year reviews, they request that the Commission conduct expedited reviews of the antidumping duty orders on BSS.⁵

⁵ *Domestic Interested Parties’ Comments on Adequacy*, May 12, 2017, pp. 1-3.

RECENT DEVELOPMENTS IN THE INDUSTRY

Since the Commission's last five-year reviews, one notable development has occurred in the domestic BSS industry.⁶ In February 2016, Revere announced that it was ceasing the production of BSS permanently.⁷ Revere provided that it would focus on its production of copper products as its "core competency."⁸ At the time of the announcement, Revere predicted it may need to layoff as many as 40 production and maintenance employees and that it would take two to six months to wind down its BSS operation.⁹

THE ORIGINAL INVESTIGATIONS AND SUBSEQUENT REVIEWS

The original investigations

The original investigations concerning the current reviews of the antidumping duty orders on imports of BSS from France, Germany, and Italy resulted from petitions filed on March 10, 1986 with Commerce and the Commission by American Brass, Buffalo, New York; Bridgeport Brass Corp., Indianapolis, Indiana; Chase Brass and Copper Co., Cleveland, Ohio; Hussey Copper Ltd., Leetsdale, Pennsylvania; The Miller Co., Meriden, Connecticut; Olin Corp. (Brass Group), East Alton, Illinois; Revere Copper Products, Inc., Rome, New York; the Copper and Brass Fabricators Council, Inc.; the International Association of Machinists and Aerospace Workers; the International Union, Allied Industrial Workers of America (AFL-CIO); the Mechanics Educational Society of America (Local 56); and the United Steelworkers of America (AFL-CIO/CLC).¹⁰ The petitions alleged that BSS was being subsidized by the Governments of Brazil and France and that such BSS from Brazil, Canada, France, Germany, Italy, Korea, and Sweden was being sold in the United States at less than fair value ("LTFV").

The Commission reached final affirmative determinations on December 22, 1986 (for Brazil, Canada, and Korea), and on February 19, 1987 (for France, Germany, Italy, and Sweden).¹¹ Commerce issued countervailing duty orders on BSS from Brazil and France on January 8, 1987, and March 6, 1987, respectively.¹² On November 10, 1986, Commerce made its final affirmative determinations with respect to BSS from Brazil (margin 40.62 percent) and

⁶ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, p. 15.

⁷ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, p. 15. Revere ***. Ibid.

⁸ *Layoffs possible at Revere Copper*, by Amy Neff Roth in the *Observer-Dispatch*, February 16, 2016.

⁹ Ibid.

¹⁰ North Coast Brass & Copper Co. was added as a petitioner in 1988.

¹¹ *Certain Brass Sheet and Strip from Brazil, Canada, and the Republic of Korea, Inv. Nos. 701-TA-269 (Final) and 731-TA-311, 312, and 315 (Final)*, USITC Publication 1930, December 1986; *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany, Inv. Nos. 701-TA-270 (Final) and 731-TA-313, 314, 316, and 317 (Final)*, USITC Publication 1951, February 1987.

¹² *Countervailing Duty Order; Brass Sheet and Strip from Brazil*, 52 FR 698, January 8, 1987; *Countervailing Duty Order; Brass Sheet and Strip from France*, 52 FR 6995, March 6, 1987.

Korea (margin 7.17 percent).¹³ On December 9, 1986, Commerce made its final affirmative determination with respect to BSS from Canada (margins ranged from 2.51 to 11.54 percent).¹⁴ On January 9, 1987, Commerce made its final affirmative determinations with respect to BSS from France (margin 42.24 percent), Italy (margin 12.08 percent), Germany (with margins ranging from 5.31 to 15.94 percent), and Sweden (margin 9.49 percent).¹⁵ Commerce issued antidumping duty orders on January 12, 1987 (for BSS from Brazil, Canada, and Korea), and March 6, 1987 (for BSS from France, Germany, Italy, and Sweden).¹⁶

On July 20, 1987, Commerce and the Commission received petitions on behalf of the same petitioners alleging that imports of BSS from Japan and the Netherlands were being sold in the United States at LTFV. On June 21, 1988, Commerce made its final affirmative determination with respect to BSS from Japan, with margins ranging from 13.10 to 57.98 percent.¹⁷ On June 22, 1988, Commerce made its final affirmative determination with respect to BSS from the Netherlands, finding a margin of 16.99 percent. The Commission made its final affirmative determinations concerning BSS from Japan and the Netherlands on July 29, 1988.¹⁸ Accordingly, Commerce issued antidumping duty orders on these imports on August 12, 1988, for both countries.¹⁹

The Commission's affirmative determination with respect to BSS from Sweden was affirmed in Granges Metallverken AB v. United States, 13 CIT 471, 716 F. Supp. 17 (1989). The Commission's affirmative determination with respect to BSS from Japan was affirmed by the Court of International Trade in Cambridge Lee Industries v. United States, 13 CIT 1052, 728 F. Supp. 748 (1989). The Commission's affirmative determination with respect to BSS from the Netherlands was affirmed in large part in Metallverken Nederland B.V. and Outokumpu

¹³ *Final Determination of Sales at Less Than Fair Value; Brass Sheet and Strip From Brazil*, 51 FR 40831, November 10, 1986 and *Final Determination of Sales at Less Than Fair Value; Brass Sheet and Strip From the Republic of Korea*, 51 FR 40833, November 10, 1986.

¹⁴ *Final Determination of Sales of Less Than Fair Value: Brass Sheet and Strip From Canada*, 51 FR 44319, December 9, 1986.

¹⁵ *Final Determination of Sales of Less Than Fair Value: Brass Sheet and Strip From France*, 52 FR 812, January 9, 1987; *Final Determination of Sales of Less Than Fair Value: Brass Sheet and Strip From Italy*, 52 FR 816, January 9, 1987; and *Final Determination of Sales at Less Than Fair Value: Brass Sheet and Strip From the Federal Republic of Germany*, 52 FR 822, January 9, 1987; and *Final Determination of Sales of Less Than Fair Value: Brass Sheet and Strip From Sweden*, 52 FR 819, January 9, 1987.

¹⁶ *Countervailing Duty Order; Brass Sheet and Strip from Brazil*, 52 FR 1214, January 12, 1987; *Countervailing Duty Order; Brass Sheet and Strip from Canada*, 52 FR 1217, January 12, 1987; *Countervailing Duty Order; Brass Sheet and Strip from Korea*, 52 FR 1215, January 12, 1987; *Antidumping Duty Orders Brass Sheet and Strip from France*, 52 FR 6995, March 6, 1987; *Antidumping Duty Order; Brass Sheet and Strip from Germany*, 52 FR 6997, March 6, 1987; *Antidumping Duty Order; Brass Sheet and Strip from Italy*, 52 FR 6997, amended 52 FR 11299, April 9, 1987; *Antidumping Duty Order; Brass Sheet and Strip from Sweden*, 52 FR 6998, March 6, 1987.

¹⁷ The "all others" rate was 45.72 percent. *Final Determination of Sales at Less Than Fair Value: Brass Sheet and Strip from Japan*, 53 FR 23296, June 21, 1988.

¹⁸ *Certain Brass Sheet and Strip from Japan and the Netherlands, Inv. Nos. 731-TA-379 and 380 (Final)*, USITC Publication 2099, July 1988.

¹⁹ *Antidumping Duty Orders; Brass Sheet and Strip from Japan and the Netherlands*, 53 FR 30454, August 12, 1988.

Metallverken, Inc. v. United States, 13 CIT 1013, 728 F. Supp. 730 (1989), and was remanded with respect to certain aspects of the determination of one Commissioner. The Commission determined on remand that an industry in the United States was being materially injured by reason of LTFV imports of BSS from Japan and the Netherlands.²⁰ The Commission's remand results were affirmed by the Court in Metallverken Nederland B.V. and Outokumpu Metallverken, Inc. v. United States, 14 CIT 481, 744 F. Supp. 281 (1990).

The first five-year reviews

The Commission instituted the first five-year reviews on February 1, 1999, and determined on May 6, 1999, that it would conduct full five-year reviews. On September 3, 1999, Commerce found that revocation of the countervailing duty orders on BSS from Brazil and France and the antidumping duty orders on BSS from Brazil, France, Italy, and Korea would likely lead to continuation or recurrence of countervailable subsidies and dumping.²¹

On September 13, 1999, Commerce found that revocation of the antidumping duty order on BSS from Sweden would likely lead to continuation or recurrence of dumping. On September 14, 1999, Commerce found that revocation of the antidumping duty orders on BSS from Germany and Japan would likely lead to continuation or recurrence of dumping.²² Finally, on November 24, 1999, and January 6, 2000, Commerce found that revocation of the antidumping duty orders on BSS from Canada and the Netherlands, respectively, would likely lead to continuation or recurrence of dumping.²³

On April 12, 2000, the Commission determined that revocation of the countervailing duty orders on BSS from Brazil and France and the antidumping duty orders on BSS from Brazil, Canada, France, Germany, Italy, and Japan, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission further determined that revocation of the antidumping duty orders on BSS from Korea, the Netherlands, and Sweden would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²⁴ Consequently, on May 1, 2000, the orders with respect to BSS

²⁰ *Certain Brass Sheet and Strip from Japan and the Netherlands, Inv. Nos. 731-TA-379 and 380 (Final) (Remand)*, USITC Publication 2255, January 1990.

²¹ *Final Results of Expedited Sunset Review: Brass Sheet and Strip from Italy*, 64 FR 48348, September 3, 1999; *Final Results of Expedited Sunset Reviews: Brass Sheet and Strip from Brazil, France, and Korea*, 64 FR 48351, September 3, 1999.

²² *Final Results of Expedited Sunset Review: Brass Sheet and Strip From Japan*, 64 FR 49765, September 14, 1999; *Final Results of Expedited Sunset Review: Brass Sheet and Strip From Germany*, 64 FR 49767, September 14, 1999.

²³ *Final Results of Full Sunset Review: Brass Sheet and Strip From Canada*, 64 FR 66165, November 24, 1999; *Final Results of Full Sunset Review: Brass Sheet and Strip From the Netherlands*, 65 FR 735, January 6, 2000.

²⁴ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, 65 FR 20832, April 18, 2000.

from Brazil, Canada, France, Germany, Italy, and Japan were continued, and the orders with respect to BSS from Korea, the Netherlands, and Sweden were revoked.²⁵

The second five-year reviews

The Commission instituted the second five-year reviews on March 31, 2005 and determined on July 5, 2005 that it would conduct full reviews. On March 21, 2006, the Commission completed full five-year reviews of the subject orders and determined that revocation of the antidumping duty orders on BSS from France, Germany, Italy, and Japan would likely lead to the continuation or recurrence of material injury to a domestic industry within a reasonably foreseeable time.²⁶ Following affirmative determinations in the second five-year reviews by Commerce and the Commission,²⁷ Commerce issued a continuation of the antidumping duty orders on imports of BSS from France, Germany, Italy, and Japan, effective April 3, 2006.^{28 29} The Commission further determined that revocation of the countervailing duty order on BSS from Brazil and antidumping duty orders on BSS from Brazil and Canada would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.³⁰ Consequently, the orders with respect to BSS from Brazil and Canada were revoked.³¹

The third five-year reviews

The Commission instituted the third five-year reviews on March 1, 2011 and determined on June 6, 2011 that it would conduct full reviews of the antidumping duty orders on BSS from

²⁵ *Continuation of Antidumping Duty Orders and Countervailing Duty Orders: Brass Sheet and Strip From Brazil, Canada, France, Italy, Germany, and Japan*, 65 FR 25304, May 1, 2000; *Revocation of Antidumping Duty Orders: Brass Sheet and Strip From the Republic of Korea, the Netherlands, and Sweden*, 65 FR 25305, May 1, 2000.

²⁶ *Brass Sheet and Strip From Brazil, Canada, France, Germany, Italy, and Japan: Investigation Nos. 701-TA-269 and 731-TA-311-314, 317, and 379 (Second Review)*, USITC Publication 3842 (March 2006).

²⁷ *Brass Sheet and Strip from Brazil, Canada, France, Italy and Japan; Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 70 FR 45650 (August 8, 2005); *Brass Sheet and Strip from Germany: Final Results of the Full Sunset Review of the Antidumping Duty Order*, 71 FR 4348, January 26, 2006; and, *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan: Determinations*, 71 FR 14719, March 23, 2006.

²⁸ *Brass Sheet and Strip from France, Italy, Germany, and Japan: Continuation of Antidumping Duty Orders*, 71 FR 16552, April 3, 2006.

²⁹ Commerce revoked the countervailing duty order on BSS from France, effective March 1, 2005. *Final Results of Full Sunset Review: Brass Sheet and Strip from France*, 71 FR 10651, March 2, 2006.

³⁰ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan*, 71 FR 14719, March 23, 2006.

³¹ *Revocation of Antidumping and Countervailing Duty Orders: Brass Sheet and Strip from Brazil and Canada*, 71 FR 16115, March 30, 2006.

France, Germany, Italy, and Japan.³² On July 7, 2011, Commerce published its determination that revocation of the antidumping duty orders on BSS from France, Italy, and Japan would be likely to lead to continuation or recurrence of dumping.³³ In addition, Commerce published its determination that revocation of the antidumping duty order on BSS from Germany would be likely to lead to continuation or recurrence of dumping on January 31, 2012.³⁴ On April 13, 2012, the Commission issued affirmative determinations concerning each BSS order under review.³⁵ Effective, April 26, 2012, Commerce issued continuation of the antidumping duty orders on imports of BSS from France, Germany, Italy and Japan.³⁶

PRIOR RELATED INVESTIGATIONS

BSS has not been the subject of any other antidumping or countervailing duty investigations in the United States.

THE PRODUCT

Commerce's scope

Commerce has defined the subject merchandise as:

The product covered by the orders is brass sheet and strip, other than leaded and tinned brass sheet and strip. The chemical composition of the covered product is currently defined in the Copper Development Association ("C.D.A.") 200 Series or the Unified Numbering System ("U.N.S.") C2000. The orders do not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the product covered by the orders has a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classified under Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 7409.21.00 and 7409.29.00. Although the HTSUS item numbers are

³² *Brass Sheet and Strip From France, Germany, Italy, and Japan; Notice of Commission Determinations To Conduct Full Five-Year Reviews Concerning the Antidumping Duty Orders on Brass Sheet and Strip from France, Germany, Italy, and Japan*, 76 FR 35910, June 20, 2011.

³³ *Brass Sheet and Strip From France, Italy, and Japan: Final Results of the Expedited Third Sunset Reviews of the Antidumping Duty Orders*, 76 FR 39849, July 7, 2011.

³⁴ *Brass Sheet and Strip From Germany: Final Results of the Full Third Five-Year ("Sunset") Review of the Antidumping Duty Order*, 77 FR 4762, January 31, 2012.

³⁵ *Brass Sheet and Strip From France, Germany, Italy, and Japan*, 77 FR 23508, April 19, 2012.

³⁶ *Brass Sheet and Strip From France, Italy, Germany and Japan: Continuation of Antidumping Duty Orders*, 77 FR 24932, April 26, 2012.

*provided for convenience and customs purposes, the written description of the scope of the orders remains dispositive.*³⁷

Description and uses³⁸

The subject product is wrought³⁹ sheet and strip of brass,⁴⁰ of solid rectangular cross section; over 0.006 inch (0.15 millimeter) but not over 0.188 inch (4.8 millimeters) in thickness;⁴¹ in coils or cut to length, whether or not corrugated or crimped, but not otherwise cut, pressed, or stamped to non-rectangular shape; meeting the composition specifications of the UNS C20000 series or the CDA 200 series.⁴² The chief characteristics of CDA 200 series and UNS C20000 series BSS are ease of manufacture because of excellent forming and drawing properties, attractive surface appearance, fair electrical conductivity, good corrosion resistance, and good strength. The generally accepted industry distinction between “brass sheet” versus “brass strip” is that brass strip consists of brass that is coiled or wound on reels of whatever gauge and width, and brass sheet consists of brass that is no longer coiled or wound but rather has been cut to length.

BSS end uses include electronics, automotive parts, apparel fasteners, cable wrap, eyelets, jewelry and other ornamentation, building and lock hardware, radiators, transportation

³⁷ *Brass Sheet and Strip From France, Italy, Germany and Japan: Continuation of Antidumping Duty Orders*, 77 FR 24932, April 26, 2012.

³⁸ The following discussion is from the third five-year reviews, unless otherwise noted. *Brass Sheet and Strip from France, Germany, Italy, and Japan*, USITC Publication 4313, April 2012, p. I-15.

³⁹ The term “wrought” refers to products that have been rolled, forged, drawn, or extruded, and also refers to cast or sintered products that have been machined or processed otherwise than by simple trimming, scalping, or descaling. These products, however, are not sufficiently machined or processed to cause them to be treated as articles of brass.

⁴⁰ Brass is an alloy of copper (not including nickel-silver) in which zinc is the principal alloying element, added as a hardener, with or without small quantities of other alloying metals. There are three general categories of brasses: copper-zinc alloys (“brasses”) covered by the UNS C20000 series; copper-zinc-lead alloys (“leaded brasses”) covered by the UNS C30000 series; and copper-zinc-tin alloys (“tin brasses”) covered by the UNS C40000 series. According to the Copper Development Association (“CDA”), the UNS C20000 series represents the bulk (roughly 90 percent, and most of this is C26000 series “cartridge brass,” which is 70 percent copper and 30 percent zinc) of U.S. production of BSS. In the original investigations, petitioners stated that leaded and tin brasses are essentially not competitive with UNS C20000 series brasses. For more information about CDA UNS standard designations for copper alloys, see: CDA, “UNS Standard Designation for Wrought and Cast Copper and Copper Alloys, Introduction,” available at <http://www.copper.org/resources/standards/uns-standard-designations.html>.

⁴¹ Gauges of 0.006 inch and below are considered foil, and gauges over 0.188 inch are considered plate.

⁴² The UNS is managed jointly by the American Society for Testing and Materials (“ASTM”) and the Society of Automotive Engineers (“SAE”). For more information about the CDA UNS standard designations for copper alloys, see: CDA, “CDA UNS Standard Designation for Wrought and Cast Copper and Copper Alloys, Introduction,” available at <http://www.copper.org/resources/standards/uns-standard-designations.html>.

equipment, coinage, medical devices, ammunition, telecommunications equipment, electronic terminals, household products, industrial machinery and equipment, stampers and component parts, and miscellaneous industrial applications. BSS is also used to make welded tube, which is an intermediate product.

Manufacturing process⁴³

The manufacturing process for BSS consists of casting, rolling, and finishing operations. Prior to casting, the raw materials are acquired by purchase or through a “tolling” arrangement whereby customers provide the raw materials and pay a fee for converting these materials into sheet and strip. Scrap brass is recovered from within the brass mill’s own production process,⁴⁴ obtained from captive operations, or returned from customers through buy-back arrangements.⁴⁵ High-grade scrap brass and scrap copper are also purchased from scrap dealers or scrap brokers. Brass and copper scrap is augmented with purchased unwrought metals in the forms of refined copper cathode sections and high-grade refined zinc ingots.

In the most common casting process, the raw materials are melted in a furnace⁴⁶ and then cast into ingots of weights and dimensions varying by the type of brass alloy, casting process, and manufacturer.⁴⁷ To prepare an ingot for rolling, it is reheated in a furnace to the proper working temperature. Rolling consists of reducing the material’s thickness by a succession of passes between heavy steel rolls.⁴⁸ In the initial, hot-rolling (“breakdown”) stage,

⁴³ The following discussion is from the third five-year reviews, unless otherwise noted. *Brass Sheet and Strip from France, Germany, Italy, and Japan*, USITC Publication 4313, April 2012, pp. I-19-I-21.

⁴⁴ The proportion of scrap generated by various trimming operations in the successive stages of a mill’s production process is estimated by a domestic producer at *** percent of the starting weight of the slab.

⁴⁵ According to a domestic producer, buy-back arrangements are advantageous for both the customer and the brass mill. The customer avoids the costs of arranging for disposal of its scrapped brass. The brass mill is essentially buying back its own product (e.g., as stamping waste, trimmings, etc.) at a discount and is assured of the metallurgical quality of its purchased scrap.

⁴⁶ When the input mix is remelted in a furnace, the molten metal is sampled to monitor and adjust its composition and quality. It then proceeds to a holding (casting) furnace before being poured into rectangular molds. The molds are cooled with water to solidify the brass into ingots. While technically possible to switch between brass and other non-zinc copper alloys, no mill that casts slabs does so because of the direct expenses and opportunity costs arising from the downtime required to remove zinc from the furnace lining. Because a furnace contaminated with zinc cannot melt or cast alloys that do not contain zinc, either the furnace must be relined to avoid alloying-metal contamination or the contaminated cast ingot must be discarded. Rather, most mills have either dedicated furnace(s) for brass or long-term production schedules. For example, Wieland and Schwermetall have dedicated casting furnaces for brass and they do not switch to other copper alloy compositions.

⁴⁷ Newer vertical casting technology allows creation of near-continuous cast operations utilizing the direct chill technique. This overall procedure will vary somewhat for each alloy of brass produced, in terms of the melt-down temperature, the type of cast, the cover used on the molds, the “drop rate,” and the degree of cooling required.

⁴⁸ Mills can more readily switch between different copper alloys on the same equipment at the rolling stages without contamination problems than at the melting stage.

the ingot is passed through a reversible breakdown mill that reduces it down to a thickness of less than 0.5 inch. The material is then allowed to cool and is coil milled to remove oxides and eliminate surface irregularities. Next, the material is passed through a cold-rolling mill to uniformly reduce its thickness even further to fractions of an inch.⁴⁹ Annealing⁵⁰ and cold-rolling may be repeated several times to reduce the material down to final gauge. Finally, the product may then undergo a number of different finishing operations, such as cleaning, slitting (cutting to narrower widths), coating, or tinning,⁵¹ depending upon the customer's specifications. It is then packed and shipped, usually in coiled form, although it may be cut to length. The typical process used by downstream consuming industries to fabricate intermediate or finished products from BSS is by stamping or drawing, whereby the material is punched with a die to form the desired shape.

U.S. tariff treatment

BSS is currently imported under the Harmonized Tariff Schedule ("HTS") of the United States subheadings 7409.21.00 and 7409.29.00 and reported for statistical purposes under statistical reporting numbers 7409.21.0050, 7409.21.0075, 7409.21.0090, 7409.29.0050, 7409.29.0075, and 7409.29.0090. BSS imported from France, Germany, Italy, and Japan enters the U.S. market at a normal trade relations duty of 1.9 percent ad valorem.⁵²

The definition of the domestic like product

The domestic like product is defined as the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. In its original determinations concerning BSS from Brazil, Canada, France, Germany, Italy, Korea, and Sweden, the Commission found one domestic like product, including both brass material to be rerolled and finished BSS. In its original determinations concerning BSS from Japan and the Netherlands, the Commission found the like product to be all domestically produced UNS C20000 BSS. In its full first five-year reviews, full second five-year reviews, and full third five-year reviews, the Commission defined a single domestic like product

⁴⁹ In newer cold-rolling equipment, reversible passes between clustered rolls, guided by computer control achieves uniform thickness along the entire length of the coiled material.

⁵⁰ Because copper tends to work harden, it is necessary to anneal (or temper) the metal by heating in order to allow for continued cold reduction or forming. In the strip annealing process, a coil of metal is unwound and fed continuously through a furnace. It is then cleaned (by pickling with acid), dried, and recoiled in line with the furnace. In the bell annealing process, coils of metal are placed on a platform and covered by a retort or bell; the metal is then heated in a protective atmosphere by a furnace placed over the bell. The choice of annealing process is determined by such factors as strip thickness, alloy, and final product specifications.

⁵¹ Tinning, or coating brasses with tin, is merely a surface-treatment operation that does not otherwise convert copper-zinc alloys (brasses included in the UNS C20000 series) into copper-zinc-tin alloys (tin brasses included in the UNS C40000 series).

⁵² The tariff classification contains other products outside the scope of the reviews.

consisting of all UNS C20000 series brass sheet and strip, coextensive with the scope of the orders.⁵³

In its notice of institution for these reviews, the Commission solicited comments from interested parties regarding what they deemed to be the appropriate definition of the domestic like product. According to their response to the notice of institution, the domestic interested parties agreed with the Commission's definition of the domestic like product as stated in the last three five-year reviews.⁵⁴

ACTIONS AT COMMERCE

Commerce has not conducted any changed circumstances reviews, critical circumstances reviews, or anti-circumvention findings since the completion of the last five-year reviews. In addition, with respect to the antidumping duty orders that are the subject of this proceeding, Commerce has not issued any company revocations or scope rulings since the imposition of the orders.

Duty absorption finding

Commerce found that duty absorption existed on all of Wieland-Werke AG's exports to the United States from Germany for the period March 1, 1997 through February 28, 1998.⁵⁵ Commerce determined the margin to be 16.18 percent.⁵⁶ Commerce has not made any duty absorption findings with respect to the antidumping duty orders on U.S. imports of BSS from France, Italy, or Japan.

Current five-year reviews

Commerce is conducting expedited reviews with respect to BSS from France, Germany, Italy, and Japan and intends to issue the final results of these reviews based on the facts available not later than July 3, 2017.⁵⁷

⁵³ *Certain Brass Sheet and Strip from Brazil, Canada, and the Republic of Korea, Inv. Nos. 701-TA-269, 731-TA-311, 312, and 315 (Final)*, USITC Publication 1930, December 1986, p. 9; *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden, Inv. Nos. 701-TA-269-270, 731-TA-311-317, and 379-380 (Review)*, USITC Publication 3290, April 2000, p. 7; *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Inv. Nos. 701-TA-269, 731-TA-311-314, 317, and 379 (Second Review)*, USITC Publication 3842, March 2006, p. 7; and *Brass Sheet and Strip from France, Germany, Italy, and Japan, Inv. Nos. 731-TA-313, 314, 317, and 379 (Third Review)*, USITC Publication 4313, April 2012, p. 6.

⁵⁴ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, p. 16.

⁵⁵ *Final Results of Antidumping Duty Administrative Review: Brass Sheet and Strip From Germany*, 64 FR 43342, August 10, 1999.

⁵⁶ *Ibid.*

⁵⁷ *Letter from Irene Darzenta Tzafolias, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Michael G. Anderson*, April 24, 2017.

THE INDUSTRY IN THE UNITED STATES

U.S. producers

During the final phase of the original investigations, the Commission received U.S. producer questionnaires from nine firms, which accounted for approximately 100 percent of production of BSS in the United States during 1985.⁵⁸

During the first five-year reviews, the Commission received U.S. producer questionnaires from seven firms producing BSS in the United States during 1998.⁵⁹

During the second five-year reviews, the Commission received U.S. producer questionnaires from eight firms, which accounted for virtually all U.S. production of BSS in the United States during 1999-2004.⁶⁰

During the third five-year reviews, the Commission received U.S. producer questionnaires from nine firms (seven firms confirmed as U.S. producers of BSS), which accounted for virtually all U.S. production of BSS in the United States during 2005-10.⁶¹

In response to the Commission's notice of institution in these current reviews, domestic interested parties provided a list of eight known and currently operating U.S. producers of BSS.⁶²

Definition of the domestic industry and related party issues

The domestic industry is defined as the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. Under the related parties provision, the Commission may exclude a related party for purposes of its injury determination if "appropriate circumstances" exist.⁶³ There were no related party issues in the original investigations.

In the original determinations and first five-year reviews, the Commission defined the domestic industry to consist of the domestic producers of UNS C20000 series brass sheet and strip, including rerollers as well as basic producers. The Commission found that appropriate circumstances did not exist to exclude any related party from the domestic industry.

⁵⁸ *Certain Brass Sheet and Strip from Brazil, Canada, and The Republic of Korea, Invs. Nos. 701-TA-269 and 731-TA-311, 312, and 315 (Final)*, USITC Publication 1930, December 1986, p. A-13.

⁵⁹ *Investigation Nos. 701-TA-269-270, 731-TA-311-317, and 731-TA-379-380 (Review): Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden—Staff Report*, INV-X-054, March 8, 2000, p. I-24. Eight producers in 1998 accounted for all known U.S. production of BSS. The eighth producer was ***. *Ibid.*, p. I-24 n. 24.

⁶⁰ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-31-314, and 379 (Second Review)*, USITC Publication 3842, March 2006, p. I-19.

⁶¹ *Brass Sheet and Strip from France, Germany, Italy, and Japan, Invs. Nos. 731-TA-313, 314, 317 and 379 (Third Review)*, USITC Publication 4313, April 2012, p. I-18.

⁶² *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, pp. 2-3 and 12.

⁶³ Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

In the second five-year reviews, Wieland Metals was determined to be a related party because it was owned by a German producer and exporter of BSS. The Commission determined that appropriate circumstances did not exist to exclude Wieland Metals from the domestic industry.⁶⁴

In the third five-year reviews, the Commission considered whether related parties *** should be excluded from the domestic industry. *** were related to German producers, and *** had imported BSS. The Commission concluded that appropriate circumstances did not exist to exclude *** from the domestic industry.⁶⁵

In its notice of institution for these reviews, the Commission solicited comments from interested parties regarding the appropriate definition of the domestic industry and inquired as to whether any related parties issues existed. The domestic interested parties provided the following information: "Aurubis Buffalo ***. Wieland Metals, Inc. is owned by German BSS producer Wieland-Werke AG, which has a 50 percent ownership share of German BSS producer Schwermetall GmbH & Co. Wieland Metals, Inc. is also an importer of subject BSS from Germany."⁶⁶ The domestic interested parties agree with the Commission's prior determinations to include all domestic producers of BSS in the domestic industry.⁶⁷

U.S. producers' trade and financial data

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution of the current five-year reviews.⁶⁸ Table I-2 presents a compilation of the data submitted from responding U.S. producers as well as trade and financial data submitted by U.S. producers in the final investigations and the first, second, and third five-year reviews.

⁶⁴ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-31-314, and 379 (Second Review)*, USITC Publication 3842, March 2006, pp. 7-9.

⁶⁵ Confidential Views of the Commission, pp. 8-11; *Brass Sheet and Strip from France, Germany, Italy, and Japan, Invs. Nos. 731-TA-313, 314, 317 and 379 (Third Review)*, USITC Publication 4313, April 2012, pp. 7-8.

⁶⁶ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, pp. 12-13.

⁶⁷ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, p. 16.

⁶⁸ Individual company trade and financial data are presented in app. B.

Table I-2**BSS: Trade and financial data submitted by U.S. producers, 1987, 1998, 2004, 2010, and 2016**

Item	1987	1998	2004	2010	2016
Capacity (1,000 pounds)	543,176	715,429	606,983	579,000	608,200
Production (1,000 pounds)	462,286	514,907	441,125	368,321	383,193
Capacity utilization (percent)	85.1	72.0	72.7	63.6	63.0
U.S. commercial shipments:					
Quantity (1,000 pounds)	***	***	***	190,264	***
Value (\$1,000)	***	***	***	464,710	***
Unit value (dollars per pound)	***	***	***	2.44	***
Internal consumption/company transfers:					
Quantity (1,000 pounds)	***	***	***	177,132	***
Value (\$1,000)	***	***	***	466,929	***
Unit value (dollars per pound)	***	***	***	2.64	***
Total U.S. shipments:					
Quantity (1,000 pounds)	471,416	508,942	428,939	367,396	379,667
Value (\$1,000)	350,229	525,158	592,521	931,639	693,870
Unit value (dollars per pound)	0.74	1.03	1.38	2.54	1.83
Net sales (\$1,000)	352,874	536,197	662,630	1,114,554	684,676
COGS (\$1,000)	319,609	477,976	625,773	1,072,596	639,922
COGS/net sales	90.6	89.1	94.4	96.2	93.5
Gross profit or (loss) (\$1,000)	33,265	58,221	36,857	41,958	44,754
SG&A expenses (loss) (\$1,000)	26,437	34,631	22,621	17,554	28,237
Operating income (loss) (\$1,000)	6,828	23,590	14,236	24,404	16,518
Operating income (loss)/net sales (percent)	1.9	4.4	2.1	2.2	2.4

Note.—The data reported in this table includes basic (integrated) U.S. producers only.

Source: For the year 1987, data are compiled using data submitted in the Commission's original investigations. *Investigation Nos. 731-TA-379-380 (Final): Certain Brass Sheet and Strip from Japan and the Netherlands—Staff Report*, INV-L-051, July 18, 1988, p. A-37 and tables 3 and 4. For the year 1998, data are compiled using data submitted in the Commission's first five-year reviews. *Investigation Nos. 701-TA-269-270, 731-TA-311-317, and 731-TA-379-380 (Review): Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden—Staff Report*, INV-X-054, March 8, 2000, tables III-2 and C-1. For 2004, data are compiled using data submitted in the Commission's second five-year reviews. *Investigation Nos. 701-TA-269-270, 731-TA-311-314, 317, and 379 (Second Review): Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan—Staff Report*, INV-DD-021, February 15, 2006, tables III-2 and C-1. For 2010, data are compiled using data submitted in the Commission's third five-year reviews. *Investigation Nos. 731-TA-313, 314, 317, and 379 (Third Review): Brass Sheet and Strip from France, Germany, Italy, and Japan—Staff Report*, INV-KK-020, March 1, 2012, tables III-6 and C-1. For 2016, data are compiled using data submitted by domestic interested parties. *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, exh. 2.

U.S. IMPORTS AND APPARENT CONSUMPTION

U.S. importers

During the final phase of the original investigations on France, Germany, Italy, and Sweden, the Commission received U.S. importer questionnaires from 19 firms, which supplied the Commission with usable information on their operations involving the importation of BSS.⁶⁹ During the final phase of the original investigations on Japan and the Netherlands, the Commission received U.S. importer questionnaires from *** firms, which accounted for approximately *** percent of total U.S. imports of BSS from Japan during 1987.⁷⁰

The Commission received seven U.S. importer questionnaires during the first five-year reviews⁷¹ and 12 U.S. importer questionnaires during the second five-year reviews.⁷² During the third five-year reviews, the Commission received eight U.S. importer questionnaires, which accounted for approximately 4.0 percent of total subject U.S. imports of BSS from France, Germany, Italy, and Japan during 2010.⁷³

Although the Commission did not receive responses to its notice of institution from any respondent interested parties in these current reviews, the domestic interested parties provided a list of 42 potential U.S. importers of BSS.⁷⁴

U.S. imports

Table I-3 presents the quantity, value, and unit value of U.S. imports from France, Germany, Italy, and Japan, as well as from other nonsubject sources. According to ***. Total imports of BSS decreased from 2011 to 2016 by 30.0 percent.

⁶⁹ *Investigation Nos. 701-TA-270, 731-TA-313, 314, 316, and 317 (Final): Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany—Staff Report*, INV-K-009, February 2, 1987, p. A-27.

⁷⁰ *Investigation Nos. 731-TA-379-380 (Final): Certain Brass Sheet and Strip from Japan and the Netherlands—Staff Report*, INV-L-051, July 18, 1988, pp. A-22-A-23.

⁷¹ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden, Invs. Nos. 701-TA-269-270, 731-TA-313-317, and 379-380 (Review)*, USITC Publication 3290, April 2000, p. I-21.

⁷² *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-31-314, and 379 (Second Review)*, USITC Publication 3842, March 2006, p. I-21.

⁷³ *Brass Sheet and Strip from France, Germany, Italy, and Japan, Invs. Nos. 731-TA-313, 314, 317 and 379 (Third Review)*, USITC Publication 4313, April 2012, pp. I-21 and IV-1.

⁷⁴ *Domestic Interested Parties' Response to the Notice of Institution*, March, 31, 2017, exh. 3.

Table I-3
BSS: U.S. imports, 2011-16

Item	2011	2012	2013	2014	2015	2016
Quantity (1,000 pounds)						
France	12	23	126	33	25	14
Germany	9,760	8,967	7,914	7,280	6,254	6,489
Italy	137	64	194	144	138	2
Japan	561	602	856	652	553	726
Subtotal, subject imports	10,469	9,657	9,090	8,109	6,970	7,231
All other imports (nonsubject)	23,436	19,211	15,359	17,890	15,373	16,509
Total imports	33,905	28,868	24,449	25,999	22,343	23,741
Landed, duty-paid value (\$1,000)						
France	90	125	443	189	60	61
Germany	44,125	38,137	32,172	29,030	21,079	19,966
Italy	356	311	815	558	496	12
Japan	2,473	2,532	3,582	2,447	2,046	2,499
Subtotal, subject imports	47,045	41,104	37,012	32,225	23,681	22,538
All other imports (nonsubject)	89,846	67,350	52,165	58,623	44,934	42,958
Total imports	136,890	108,455	89,177	90,848	68,615	65,495
Unit value (dollars per pound)						
France	6.75	5.38	3.51	5.73	2.41	4.45
Germany	4.52	4.25	4.07	3.99	3.37	3.08
Italy	2.61	4.83	4.21	3.87	3.60	6.56
Japan	4.41	4.20	4.19	3.76	3.70	3.44
Subtotal, subject imports	4.49	4.26	4.07	3.97	3.40	3.12
All other imports (nonsubject)	3.83	3.51	3.40	3.28	2.92	2.60
Total imports	4.04	3.76	3.65	3.49	3.07	2.76

Note.--Because of rounding, figure may not add to total shown.

Source: Official statistics of Commerce for HTS statistical reporting numbers 7409.21.0050, 7409.21.0075, 7409.21.0090, 7409.29.0050, 7409.29.0075, and 7409.29.0090. These data may be overstated because the HTS statistical reporting numbers contain products outside the scope of these reviews.

Apparent U.S. consumption and market shares

Table I-4 presents data on U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, while table I-5 presents data on U.S. market shares of apparent U.S. consumption. Apparent U.S. consumption by quantity is slightly higher (0.84 percent) than it was in 2010, but it is still much lower (29.3 percent) than it was in 1987.

Table I-4**BSS: U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, 1987, 1998, 2004, 2010, and 2016**

Item	1987	1998	2004	2010	2016
	Quantity (1,000 pounds)				
U.S. producers' U.S. shipments	471,416	508,942	428,939	367,396	379,667
U.S. imports from—					
France	47	83	142	62	14
Germany	29,392	4,978	2,648	5,582	6,489
Italy	3,107	564	182	21	2
Japan	19,968	4,945	3,163	398	726
Subject, subtotal	52,514	10,570	6,135	6,063	7,231
All other, nonsubject	***	34,736	67,509	26,601	16,509
Total imports	***	45,305	73,643	32,664	23,741
Apparent U.S. consumption	570,361	554,247	502,582	400,060	403,408
	Value (1,000 dollars)				
U.S. producers' U.S. shipments	350,229	525,158	592,521	931,639	693,870
U.S. imports from—					
France	43	120	231	271	61
Germany	31,351	6,785	4,464	21,064	19,966
Italy	3,193	901	364	74	12
Japan	21,328	8,521	6,620	1,644	2,499
Subject, subtotal	55,915	16,327	11,679	23,053	22,538
All other, nonsubject	39,509	39,941	101,752	88,575	42,958
Total imports	95,424	56,268	113,431	111,628	65,495
Apparent U.S. consumption	453,576	581,426	705,952	1,043,267	759,365

Note.--Because of rounding, figure may not add to total shown.

Source: For the year 1987, data are compiled using data submitted in the Commission's original investigations. *Investigation Nos. 731-TA-379-380 (Final): Certain Brass Sheet and Strip from Japan and the Netherlands—Staff Report*, INV-L-051, July 18, 1988, tables 14 and 15. For 1998, data are compiled using data submitted in the Commission's first five-year reviews. *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden, Inv. Nos. 701-TA-269-270, 731-TA-311-317, and 379-380 (Review)*, USITC Publication 3290, April 2000, table I-4. For 2004, data are compiled using data submitted in the Commission's second five-year reviews. *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-31-314, 317 and 379 (Second Review)*, USITC Publication 3842, March 2006, table I-4. For 2010, data are compiled using data submitted in the Commission's third five-year reviews. *Brass Sheet and Strip from France, Germany, Italy, and Japan, Invs. Nos. 731-TA-313, 314, 317 and 379 (Third Review)*, USITC Publication 4313, April 2012, table I-5. For 2016, U.S. producers' U.S. shipments are compiled from the domestic interested parties' response to the Commission's notice of institution and U.S. imports are compiled using official Commerce statistics under HTS statistical reporting numbers 7409.21.0050, 7409.21.0075, 7409.21.0090, 7409.29.0050, 7409.29.0075, and 7409.29.0090.

Table I-5

BSS: Apparent U.S. consumption and U.S. market shares, 1987, 1998, 2004, 2010, and 2016

Item	1987	1998	2004	2010	2016
	Quantity (1,000 pounds)				
Apparent U.S. consumption	570,361	554,247	502,582	400,060	403,408
	Value (1,000 dollars)				
Apparent U.S. consumption	453,576	581,426	705,952	1,043,267	759,365
	Share of consumption based on quantity (percent)				
U.S. producers' U.S. shipments	70.3	91.8	85.3	91.8	94.1
U.S. imports from--					
France	(¹)	(¹)	(¹)	0.0	(¹)
Germany	***	0.9	0.5 ²	1.4	1.6
Italy	***	0.1	(¹)	0.0	(¹)
Japan	***	0.9	0.6	0.1	0.2
Subject, subtotal	***	1.9	1.1	1.5	1.8
All other sources, nonsubject	***	6.2	13.4	6.6	4.1
Total imports	7.3	8.2	14.7	8.2	5.9
	Share of consumption based on value (percent)				
U.S. producers' U.S. shipments	77.2	90.3	83.9	89.3	91.4
U.S. imports from--					
France	(¹)	(¹)	(¹)	0.0	(¹)
Germany	6.9	1.2	0.6 ²	2.0	2.6
Italy	0.7	0.2	0.1	0.0	(¹)
Japan	4.7	1.5	0.9	0.2	0.3
Subject, subtotal	12.3	2.9	1.6	2.2	2.9
All other sources, nonsubject	8.7	6.9	14.4	8.5	5.7
Total imports	22.8	9.7	16.1	10.7	8.6

¹ Less than 0.05 percent.

² Believed to consist principally of nonsubject brass sheet and strip.

Note.--Because of rounding, figure may not add to total shown.

Source: For the year 1987, data are compiled using data submitted in the Commission's original investigations. *Investigation Nos. 731-TA-379-380 (Final): Certain Brass Sheet and Strip from Japan and the Netherlands—Staff Report*, INV-L-051, July 18, 1988, tables 14 and 15. For 1998, data are compiled using data submitted in the Commission's first five-year reviews. *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden, Inv. Nos. 701-TA-269-270, 731-TA-311-317, and 379-380 (Review)*, USITC Publication 3290, April 2000, table I-5. For 2004, data are compiled using data submitted in the Commission's second five-year reviews. *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-31-314, 317, and 379 (Second Review)*, USITC Publication 3842, March 2006, table I-5. For 2010, data are compiled using data submitted in the Commission's third five-year reviews. *Brass Sheet and Strip from France, Germany, Italy, and Japan, Invs. Nos. 731-TA-313, 314, 317 and 379 (Third Review)*, USITC Publication 4313, April 2012, table I-6. For the year 2016, U.S. producers' U.S. shipments are compiled from the domestic interested parties' response to the Commission's notice of institution and U.S. imports are compiled using official Commerce statistics under HTS statistical reporting numbers 7409.21.0050, 7409.21.0075, 7409.21.0090, 7409.29.0050, 7409.29.0075, and 7409.29.0090.

CUMULATION CONSIDERATIONS

In assessing whether imports should be cumulated, the Commission determines whether U.S. imports from the subject countries compete with each other and with the domestic like product and has generally considered four factors: (1) fungibility, (2) presence of sales or offers to sell in the same geographical markets, (3) common or similar channels of distribution, and (4) simultaneous presence in the market. Additional information concerning geographical markets and simultaneous presence in the market is presented below.⁷⁵

Presence in the market

Table I-6 presents data on the number of monthly entries of U.S. imports of BSS, by source, during 2011-16.

Table I-6
BSS: U.S. imports, monthly entries into the United States, by source, 2011-16

Country	Calendar year					
	2011	2012	2013	2014	2015	2016
France	2	8	7	7	8	8
Germany	12	12	12	12	12	12
Italy	5	9	10	9	6	3
Japan	12	12	12	12	12	12

Source: Official statistics of Commerce for HTS statistical reporting numbers 7409.21.0050, 7409.21.0075, 7409.21.0090, 7409.29.0050, 7409.29.0075, and 7409.29.0090. These data may be overstated because the HTS statistical reporting numbers contain products outside the scope of these reviews.

Geographical markets

Information summarizing the geographic markets to which imported BSS entered the United States during 2011-16 is presented in table I-7.

⁷⁵ In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

Table I-7
BSS: U.S. imports from subject countries, by Customs district, 2011-16

Item	Customs district	Imports (1,000 pounds)
France	New York, NY	169
	All others	64
Subtotal		233
Germany	New York, NY	16,848
	Chicago, IL	6,887
	Norfolk, VA	5,513
	All others	18,219
Subtotal		47,467
Italy	New York, NY	544
	All others	151
Subtotal		695
Japan	New York, NY	2,839
	Los Angeles, CA	753
	All others	523
Subtotal		4,115

Source: Official statistics of Commerce for HTS statistical reporting numbers 7409.21.0050, 7409.21.0075, 7409.21.0090, 7409.29.0050, 7409.29.0075, and 7409.29.0090. These data may be overstated because the HTS statistical reporting numbers contain products outside the scope of these reviews.

THE INDUSTRY IN FRANCE

During the final phase of the original investigations, the Commission identified six foreign producers/exporters of various types of brass rolled products from France during 1986. The producers identified were (1) Trefimetaux, (2) Griset S.A., (3) Comptoir Lyon Allemand Louyot, (4) Metayer-Noel, (5) Laminoirs du Dauphins, and (6) Usines de Navarre S.A. ***.⁷⁶ By the first five-year reviews, only the first two producers still produced brass rolled products in France. In 1995, Trefimetaux combined with the Italian producer La Metalli and the German Producer Kabelmetall AG to form KM Europa, with a combined sheet and strip productive capacity of approximately 600 million pounds annually.⁷⁷ During the second five-year reviews, counsel for petitioners identified six producers/exporters of BSS in France. Two producers/exporters *** and no other producers/exporters responded. Total exports of brass rolled products from France increased by 70.1 percent between 1999 and 2004, but exports to the United States were less than 1 percent.⁷⁸ During the third five-year reviews, counsel for

⁷⁶ Investigation Nos. 701-TA-270 and 731-TA-313, 314, 316, and 317 (Final): *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany—Staff Report*, INV-K-009, February 2, 1987, p. A-59.

⁷⁷ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden, Invs. Nos. 701-TA-269-270, 731-TA-313-317, and 379-380 (Review)*, USITC Publication 3290, April 2000, p. IV-4.

⁷⁸ Investigation Nos. 701-TA-269-270 and 731-TA-311-314, 317, and 379 (Second Review): *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan—Staff Report*, INV-DD-021, February 15, 2006, p. IV-14. Data on brass rolled products from France are based on the United Nations Commodity Trade Statistics Database.

petitioners identified six producers/exporters of BSS in France. The Commission received one questionnaire response from *** indicating it was not a producer of the subject product in France.⁷⁹

While the Commission did not receive responses from any respondent interested parties in these fourth five-year reviews, the domestic interested parties provided a list of four firms that they believe currently produce BSS in France.⁸⁰

Table I-8 presents export data for BSS from France in descending order of quantity for 2016.

Table I-8
BSS: Exports of BSS from France, by destination, 2011-16

Item	Calendar year					
	2011	2012	2013	2014	2015	2016
Quantity (1,000 pounds)						
Germany	390	496	1,726	2,630	2,273	2,324
***	1,499	1,464	3,069	2,994	1,667	553
Spain	187	159	207	375	463	507
Hungary	150	331	441	353	119	267
Austria	260	137	185	165	68	198
Romania	112	79	75	82	108	161
Poland	55	66	75	42	93	137
Morocco	225	119	141	97	97	117
Switzerland	84	68	71	99	86	60
Turkey	2	-	-	-	-	49
All other	1,281	425	752	289	295	128
Total	4,246	3,344	6,742	7,125	5,269	4,500

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheadings 7409.21 and 7409.29 as reported by the Global Trade Atlas database, accessed May 2, 2017. These data may be overstated as the HTS subheadings may contain products outside the scope of these reviews.

⁷⁹ *Investigation Nos. 731-TA-313, 314, 317 and 379 (Third Review): Brass Sheet and Strip from France, Germany, Italy, and Japan – Staff Report*, INV-KK-020, March 1, 2012, p. IV-8.

⁸⁰ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, exh. 4. One of the firms listed as a French BSS producer in these fourth reviews provided the sole French response *** in the third reviews and had indicated it did not produce the subject product. *Investigation Nos. 731-TA-313, 314, 317 and 379 (Third Review): Brass Sheet and Strip from France, Germany, Italy, and Japan – Staff Report*, INV-KK-020, March 1, 2012, p. IV-8.

THE INDUSTRY IN GERMANY

In the original investigations, seven firms were identified as producers of BSS in Germany: (1) Langenberg Kupfer-und Messingwerke GmbH KG (“Langenberg”); (2) Metallwerke Schwarzwald GmbH (“Metallwerke”); (3) R and G Schmole Metallwerke GmbH and Co. KG; (4) Schwermetall Halbzeugwerk GmbH and Co. KG (“Schwermetall”); (5) Stolberger Metallwerke GmbH and Co. KG; (6) Wieland; and (7) William Prym-Werke GmbH & Co. KG.⁸¹ By the time of the first reviews, Langenberg and Metallwerke had become part of Wieland, and several other German firms had entered the BSS business.⁸² In the second reviews, Prymetall GmbH & Co. KG (“Prymetall”),⁸³ Schwermetall, and Wieland provided responses, and indicated that they accounted for ***, ***, and *** percent, respectively, of total production of BSS in Germany in 2004.⁸⁴ In the third reviews, 16 firms were identified as manufacturers/exporters of BSS in Germany. Six firms responded to the Commission. Three German producers, ***, responded and indicated that they have not produced or exported subject BSS during the period of review. The Commission received useable questionnaires responses from three German producers (***), which accounted for approximately *** percent of German production of BSS in 2010.⁸⁵

The Commission did not receive responses from any respondent interested parties in these fourth five-year reviews. The domestic interested parties provided a list of 14 firms that they believe currently produce BSS in Germany.⁸⁶

Table I-9 presents export data for BSS from Germany in descending order of quantity for 2016.

⁸¹ These seven firms reported capacity to produce BSS ranging from 543.9 million pounds in 1983 to 564.5 million pounds in 1984, production ranging from 533.2 million pounds in 1983 to 572.8 million pounds in 1984, and exported 8 percent to 12 percent of their production to the United States from 1983 to 1985. *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany*, Invs. Nos. 701-TA-270 and 731-TA-313, 314, 316, and 317 (Final), USITC Publication 1951, February 1987, pp. A-44-A-47.

⁸² In the first reviews, only *** German producer provided data on its BSS operations. *Investigations Nos. 701-TA-269-270 and 731-TA-311-317 and 379-80 (Review), Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden – Staff Report*, March 8, 2000, INV-X-054, pp. IV-7-IV-8.

⁸³ In April 2009, Prymetall changed its name to Aurubis Stolberg. “Prymetall becomes Aurubis Stolberg,” EDIS document id number: 610280, May 2, 2017.

⁸⁴ *Investigations Nos. 701-TA-269-270 and 731-TA-311-317 and 379 (Second Review), Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan – Staff Report*, February 15, 2006, INV-DD-021, pp. IV-15-IV-16.

⁸⁵ *Investigation Nos. 731-TA-313, 314, 317 and 379 (Third Review): Brass Sheet and Strip from France, Germany, Italy, and Japan – Staff Report*, INV-KK-020, March 1, 2012, p. IV-13. ***. Ibid fn. 36.

⁸⁶ *Domestic Interested Parties’ Response to the Notice of Institution*, March 31, 2017, exh. 4.

Table I-9
BSS: Exports of BSS from Germany, by destination, 2011-16

Item	Calendar year					
	2011	2012	2013	2014	2015	2016
Quantity (1,000 pounds)						
Switzerland	16,684	18,186	16,931	18,082	14,974	17,939
France	27,363	21,488	21,718	21,186	20,483	16,523
United Kingdom	19,008	15,152	14,685	14,328	13,424	15,941
Italy	18,946	15,454	17,430	16,352	15,699	15,924
Czech Republic	3,931	5,624	7,103	9,744	11,437	11,933
United States	6,246	7,161	8,100	8,525	8,056	9,998
Spain	9,782	7,800	8,618	7,513	7,910	8,730
Singapore	6,911	5,944	5,904	4,808	4,222	3,770
China	2,134	3,344	5,020	4,081	3,047	3,289
Austria	2,932	2,198	2,293	2,930	2,725	3,082
All other	34,628	33,095	32,979	28,208	27,485	25,565
Total	148,566	135,446	140,779	135,757	129,461	132,695

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheadings 7409.21 and 7409.29 as reported by the Global Trade Atlas database, accessed May 2, 2017. These data may be overstated as the HTS subheadings may contain products outside the scope of these reviews.

THE INDUSTRY IN ITALY

During the final phase of the original investigations, the Commission identified four foreign producers/exporters of C20000-BSS from Italy. The producers identified were (1) La Metalli Industriale S.p.A. (“La Metalli”), (2) Eredi Gnutti Metalli (“Gnutti”), (3) Industria Laminazione Nastri Ottone e Rame S.p.A, and (4) Matallurgica Fratelli Dallera S.p.A. One additional producer of C30000-BSS (out of scope product) was identified (1) Trafilerie Carlo Gnutti (“Carlo Gnutti”). Only La Metalli Industriale provided information in the original investigations. It *** and accounted for the great majority of exports of subject BSS from Italy to the United States.⁸⁷ During the first five-year reviews, there were five producers of brass rolled products in Italy: (1) La Metalli; (2) Dalmat SPA; (3) Metallurgica San Marco SPA (“San Marco”); (4) Gnutti; and (5) Carlo Gnutti. Of these firms, all but San Marco produced some form of brass rolled products during the original investigations. As was true during the original

⁸⁷ *Investigation Nos. 701-TA-270 and 731-TA-313, 314, 316, and 317 (Final): Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany—Staff Report, INV-K-009, February 2, 1987, pp. A-60-A-61.*

investigations, ***.⁸⁸ During the second five-year reviews, eight firms were identified as producers/exporters of BSS in Italy, but no useable questionnaire responses were received from an Italian firm.⁸⁹ During the third five-year reviews, ten firms were identified as possible producers/exporters of BSS in Italy. One useable questionnaire response was received from KME Italy SpA (“KME Italy”). KME Italy estimated it accounted for approximately *** percent of Italy’s production of BSS in 2010.⁹⁰

The Commission did not receive responses from any respondent interested parties in these fourth five-year reviews. The domestic interested parties provided a list of eight firms that they believe currently produce BSS in Italy.⁹¹

Table I-10 presents export data for BSS from Italy in descending order of quantity for 2016.

Table I-10
BSS: Exports of BSS from Italy, by destination, 2011-16

Item	Calendar year					
	2011	2012	2013	2014	2015	2016
Quantity (1,000 pounds)						
Germany	21,235	17,595	17,028	16,224	17,610	19,482
France	10,864	11,074	10,657	10,553	10,487	10,271
Switzerland	5,730	5,026	5,123	6,307	5,414	3,318
Czech Republic	522	712	1,327	1,766	3,027	3,113
Spain	4,623	2,773	3,384	2,683	3,128	3,082
Egypt	1,389	1,645	1,779	1,898	1,841	1,715
United Kingdom	1,493	1,512	1,490	1,475	1,501	1,481
Morocco	1,658	1,481	1,590	1,376	1,578	1,157
Slovenia	1,415	1,138	1,001	1,076	1,325	1,133
Poland	3,166	3,250	1,543	990	1,109	1,091
All other	12,886	11,911	12,696	12,967	11,746	11,462
Total	64,981	58,118	57,619	57,315	58,768	57,306

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheadings 7409.21 and 7409.29 as reported by the Global Trade Atlas database, accessed May 2, 2017. These data may be overstated as the HTS subheadings may contain products outside the scope of these reviews.

⁸⁸ *Investigations Nos. 701-TA-269-270 and 731-TA-311-317 and 379-80 (Review), Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden – Staff Report*, March 8, 2000, INV-X-054, pp. IV-8-IV-9.

⁸⁹ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-313-314, and 379 (Second Review)*, USITC Publication 3842, March 2006, p. IV-13.

⁹⁰ *Investigation Nos. 731-TA-313, 314, 317 and 379 (Third Review): Brass Sheet and Strip from France, Germany, Italy, and Japan – Staff Report*, INV-KK-020, March 1, 2012, pp. IV-18-IV-19.

⁹¹ *Domestic Interested Parties’ Response to the Notice of Institution*, March 31, 2017, exh. 4.

THE INDUSTRY IN JAPAN

During the final phase of the original investigations, eight producers of brass rolled products in Japan were identified: (1) Sambo Copper; (2) Nippon Mining & Metals Co., Ltd.; (3) Mitsubishi Shindoh Co., Ltd.; (4) Mitsui Mining & Smelting Co., Ltd.; (5) Kobe Steel, Ltd; (6) Furukawa Electric Co.; (7) Dowa Mining; and (8) Fuji Brass & Copper.⁹² By the time of the first reviews, all of these firms continued to produce brass rolled products in Japan, except for Dowa Mining and Fuji Brass & Copper. All of these firms except *** provided questionnaire responses.⁹³ During the second five-year reviews, 20 firms were identified as producers/exporters of BSS in Japan, but no firm provided a useable questionnaire response.⁹⁴ During the third five-year reviews, 22 firms were identified as producers/exporters of BSS in Japan. Only one firm (Mistubishi Shindoh Co., Ltd.) provided a useable questionnaire response. It estimated it accounted for *** percent of BSS production in Japan in 2010 and *** percent of Japan's exports of BSS to the United States in 2010.⁹⁵

The Commission did not receive responses from any respondent interested parties in these fourth five-year reviews. The domestic interested parties provided a list of 21 firms that they believe currently produce BSS in Japan.⁹⁶

Table I-11 presents export data for BSS from Japan in descending order of quantity for 2016.

⁹² *Investigation Nos. 731-TA-379-380 (Final): Certain Brass Sheet and Strip from Japan and the Netherlands—Staff Report*, INV-L-051, July 18, 1988, pp. A-42.

⁹³ *Investigations Nos. 701-TA-269-270 and 731-TA-311-317 and 379-80 (Review), Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden – Staff Report*, March 8, 2000, INV-X-054, p. IV-10.

⁹⁴ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Invs. Nos. 701-TA-269, 731-TA-313-314, 317, and 379 (Second Review)*, USITC Publication 3842, March 2006, p. IV-14.

⁹⁵ *Investigation Nos. 731-TA-313, 314, 317 and 379 (Third Review): Brass Sheet and Strip from France, Germany, Italy, and Japan –Staff Report*, INV-KK-020, March 1, 2012, p. IV-22.

⁹⁶ *Domestic Interested Parties' Response to the Notice of Institution*, March 31, 2017, exh. 4.

Table I-11
BSS: Exports of BSS from Japan, by destination, 2011-16

Item	Calendar year					
	2011	2012	2013	2014	2015	2016
Quantity (1,000 pounds)						
China	16,634	14,378	14,221	14,584	13,566	15,200
Thailand	8,684	9,808	9,645	10,536	10,984	11,682
Indonesia	3,481	2,574	3,241	3,251	2,319	2,603
Vietnam	1,042	1,643	1,914	2,362	2,321	2,543
Hong Kong	2,881	2,949	2,868	2,942	2,579	2,432
United States	547	698	832	571	770	1,220
Malaysia	2,005	1,323	1,154	869	1,208	1,204
Philippines	781	691	914	749	641	1,063
Singapore	1,430	1,364	663	657	558	370
Taiwan	925	834	812	680	777	341
All other	38,409	36,262	36,265	37,201	35,723	38,659
Total	40,498	38,098	38,359	38,860	37,080	40,054

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheadings 7409.21 and 7409.29 as reported by the Global Trade Atlas database, accessed May 2, 2017. These data may be overstated as the HTS subheadings may contain products outside the scope of these reviews.

ANTIDUMPING OR COUNTERVAILING DUTY ORDERS IN THIRD-COUNTRY MARKETS

Based on available information, BSS from France, Germany, Italy, and Japan have not been subject to other antidumping or countervailing duty investigations outside the United States.

THE GLOBAL MARKET

Table I-12 presents the largest global export sources of BSS during 2011-16, as reported by the Global Trade Atlas. In 2016, Germany was the leading exporter of BSS, while Korea, Italy, and Japan were the second, third, and fourth leading sources, respectively. The United States was the sixth leading exporter.

Table I-12
BSS: Global exports by major sources, 2011-16

Item	2011	2012	2013	2014	2015	2016
	Quantity (1,000 pounds)					
Germany	148,568	135,448	140,780	135,758	129,462	132,590
Korea	92,968	89,062	99,257	104,143	91,116	91,417
Italy	64,981	58,119	57,619	57,315	58,768	57,306
Japan	40,499	38,099	38,359	38,860	37,081	40,054
Netherlands	37,444	30,767	36,070	40,992	32,923	38,130
United States	28,656	37,548	47,863	45,488	33,345	33,889
Taiwan	57,527	49,612	44,450	36,437	31,379	32,082
Hong Kong	45,244	38,330	36,357	34,047	27,109	28,474
China	24,468	21,145	20,244	21,443	21,106	21,516
Turkey	14,942	16,798	18,303	20,927	20,714	21,208
All other	116,581	100,468	102,809	101,988	94,020	90,239
Total	671,877	615,396	642,112	637,399	577,022	586,906

Note.--Because of rounding, figures may not add to total shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheadings 7409.21 and 7409.29 as reported by the Global Trade Atlas database, accessed April 18, 2017. These data may be overstated as the HTS subheadings may contain products outside the scope of these reviews.

APPENDIX A

FEDERAL REGISTER NOTICES

The Commission makes available notices relevant to its investigations and reviews on its website, www.usitc.gov. In addition, the following tabulation presents, in chronological order, *Federal Register* notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
82 FR 12238 March 1, 2017	<i>Brass Sheet and Strip From France, Germany, Italy, and Japan; Institution of Five-Year Reviews</i>	https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-03786.pdf
82 FR 12439 March 3, 2017	<i>Initiation of Five-Year ("Sunset") Review</i>	https://www.gpo.gov/fdsys/pkg/FR-2017-03-03/pdf/2017-04274.pdf

APPENDIX B
COMPANY-SPECIFIC DATA

RESPONSE CHECKLIST FOR U.S. PRODUCERS

* * * * *

APPENDIX C

SUMMARY DATA COMPILED IN PRIOR INVESTIGATIONS

Table C-1

BSS: Summary data concerning the U.S. market, 1997-98, January-June 1998, and January-June 1999

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound;
period changes=percent, except where noted)

Item	Reported data				Period changes	
	1997	1998	January-June		1997-98	Jan.-June 1998-99
			1998	1999		
U.S. consumption quantity:						
Amount	553,303	554,247	285,103	299,654	0.2	5.1
Producers' share (1)	93.9	91.8	93.8	92.4	-2.1	-1.4
Importers' share (1):						
Brazil	0.0	0.0	0.0	0.1	0.0	0.1
Canada	0.5	2.4	1.2	0.7	2.0	-0.4
France	0.0	0.0	0.0	0.0	0.0	0.0
Germany	0.7	0.9	0.8	0.7	0.2	-0.1
Italy	0.1	0.1	0.1	0.0	-0.0	-0.1
Japan	0.6	0.9	0.7	1.0	0.3	0.4
Korea	0.0	0.0	0.0	0.0	-0.0	0.0
Netherlands	0.0	0.1	0.0	0.1	0.1	0.1
Sweden	0.0	0.0	0.0	0.0	0.0	-0.0
Subtotal	2.0	4.4	2.8	2.8	2.4	0.0
Other sources	4.1	3.7	3.4	4.8	-0.3	1.4
Total imports	6.1	8.2	6.2	7.6	2.1	1.4
U.S. consumption value:						
Amount	648,255	581,426	303,924	290,731	-10.3	-4.3
Producers' share (1)	92.2	90.3	92.5	90.4	-1.9	-2.1
Importers' share (1):						
Brazil	0.0	0.0	0.0	0.1	0.0	0.1
Canada	0.7	2.5	1.2	0.9	1.8	-0.2
France	0.0	0.0	0.0	0.0	0.0	0.0
Germany	1.0	1.2	1.1	1.0	0.2	-0.1
Italy	0.2	0.2	0.2	0.1	-0.0	-0.1
Japan	1.1	1.5	1.1	1.9	0.4	0.8
Korea	0.0	0.0	0.0	0.0	-0.0	0.0
Netherlands	0.1	0.1	0.0	0.2	0.1	0.1
Sweden	0.0	0.0	0.0	0.0	0.0	-0.0
Subtotal	3.0	5.4	3.6	4.2	2.4	0.6
Other sources	4.8	4.3	3.9	5.4	-0.5	1.4
Total imports	7.8	9.7	7.5	9.6	1.9	2.1
U.S. imports from:						
Brazil:						
Quantity	0	0	0	371	0.0	(2)
Value	0	0	0	393	0.0	(2)
Unit value	(2)	(2)	(2)	\$1.06	(2)	(2)
Ending inventory quantity	0	0	0	0	0.0	0.0
Canada:						
Quantity	2,498	13,424	3,281	2,219	437.4	-32.4
Value	4,478	14,325	3,543	2,688	219.9	-24.1
Unit value	\$1.79	\$1.07	\$1.08	\$1.21	-40.5	12.2
Ending inventory quantity	0	0	0	0	0.0	0.0
France:						
Quantity	0	83	(3)	81	(2)	(4)
Value	0	120	2	99	(2)	(4)
Unit value	(2)	\$1.46	\$356.83	\$1.23	(2)	-99.7
Ending inventory quantity	0	0	0	0	0.0	0.0

Table continued on next page.

Table C-1--Continued

BSS: Summary data concerning the U.S. market, 1997-98, January-June 1998, and January-June 1999

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound;
period changes=percent, except where noted)

Item	Reported data				Period changes	
	1997	1998	January-June		1997-98	Jan.-June 1998-99
			1998	1999		
U.S. imports from:						
Germany:						
Quantity	4,117	4,978	2,409	2,158	20.9	-10.4
Value	6,469	6,785	3,397	2,828	4.9	-16.8
Unit value	\$1.57	\$1.36	\$1.41	\$1.31	-13.2	-7.1
Ending inventory quantity	***	***	***	***	***	***
Italy:						
Quantity	648	564	325	148	-13.0	-54.5
Value	1,074	901	505	223	-16.2	-55.8
Unit value	\$1.66	\$1.60	\$1.56	\$1.51	-3.7	-2.9
Ending inventory quantity	0	0	0	0	0.0	0.0
Japan:						
Quantity	3,527	4,945	1,922	3,126	40.2	62.6
Value	7,009	8,521	3,330	5,539	21.6	66.3
Unit value	\$1.99	\$1.72	\$1.73	\$1.77	-13.3	2.3
Ending inventory quantity	***	***	***	***	***	***
Korea:						
Quantity	1	1	0	22	-34.7	(2)
Value	5	3	0	29	-39.7	(2)
Unit value	\$3.96	\$3.66	(2)	\$1.32	-7.6	(2)
Ending inventory quantity	0	0	0	0	0.0	0.0
Netherlands:						
Quantity	267	552	56	285	106.8	408.6
Value	403	805	82	446	99.6	445.0
Unit value	\$1.51	\$1.46	\$1.46	\$1.56	-3.5	7.2
Ending inventory quantity	0	0	0	0	0.0	0.0
Sweden:						
Quantity	0	1	1	0	(2)	-100.0
Value	0	5	5	0	(2)	-100.0
Unit value	(2)	\$6.24	\$6.24	(2)	(2)	(2)
Ending inventory quantity	0	0	0	0	0.0	0.0
Subtotal:						
Quantity	11,058	24,547	7,994	8,410	122.0	5.2
Value	19,438	31,464	10,865	12,246	61.9	12.7
Unit value	\$1.76	\$1.28	\$1.36	\$1.46	-27.1	7.1
Ending inventory quantity	***	***	***	***	***	***
Other sources:						
Quantity	22,628	20,758	9,567	14,262	-8.3	49.1
Value	30,996	24,804	11,891	15,557	-20.0	30.8
Unit value	\$1.37	\$1.19	\$1.24	\$1.09	-12.8	-12.2
Ending inventory quantity	0	0	0	0	0.0	0.0
All sources:						
Quantity	33,686	45,305	17,561	22,672	34.5	29.1
Value	50,434	56,268	22,756	27,803	11.6	22.2
Unit value	\$1.50	\$1.24	\$1.30	\$1.23	-17.0	-5.4
Ending inventory quantity	***	***	***	***	***	***

Table continued on next page.

Table C-1--Continued

BSS: Summary data concerning the U.S. market, 1997-98, January-June 1998, and January-June 1999

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound;
period changes=percent, except where noted)

Item	Reported data				Period changes	
	1997	1998	January-June		1997-98	Jan.-June 1998-99
			1998	1999		
U.S. basic producers ¹ :						
Average capacity quantity	653,987	715,429	357,924	364,119	9.4	1.7
Production quantity	545,128	514,907	268,982	281,717	-5.5	4.7
Capacity utilization (1)	83.4	72.0	75.2	77.4	-11.4	2.2
U.S. shipments:						
Quantity	519,617	508,942	267,542	276,982	-2.1	3.5
Value	597,821	525,158	281,168	262,928	-12.2	-6.5
Export shipments:						
Quantity	22,473	7,736	3,379	9,026	-65.6	167.1
Value	26,266	6,741	2,766	6,631	-74.3	139.7
Ending inventory quantity	36,045	34,274	34,108	29,983	-4.9	-12.1
Inventories/total shipments (1)	6.6	6.6	6.3	5.2	-0.0	-1.1
Production workers	2,838	2,829	2,844	2,782	-0.3	-2.2
Hours worked (1,000s)	4,337	4,206	2,372	2,176	-3.0	-8.3
Wages paid (\$1,000s)	76,836	76,763	42,450	41,520	-0.1	-2.2
Hourly wages	\$17.72	\$18.25	\$17.90	\$19.08	3.0	6.6
Productivity (pounds per hour)	125.7	122.4	113.4	129.5	-2.6	14.2
Unit labor costs	\$0.14	\$0.15	\$0.16	\$0.15	5.8	-6.6
Net sales:						
Quantity	555,408	532,033	278,184	290,913	-4.2	4.6
Value	628,162	536,197	285,422	269,109	-14.6	-5.7
Cost of goods sold (COGS)	566,529	477,976	252,439	235,333	-15.6	-6.8
Gross profit or (loss)	61,633	58,221	32,983	33,776	-5.5	2.4
SG&A expenses	33,512	34,631	17,854	16,476	3.3	-7.7
Operating income or (loss)	28,121	23,590	15,129	17,300	-16.1	14.3
Capital expenditures	43,024	38,608	17,599	14,917	-10.3	-15.2
COGS/sales (1)	90.2	89.1	88.4	87.4	-1.0	-1.0
Operating income or (loss)/ sales (1)	4.5	4.4	5.3	6.4	-0.1	1.1

(1) "Reported data" are in percent and "period changes" are in percentage points.

(2) Not applicable.

(3) Less than 500 pounds.

(4) Increase greater than 1,000 percent.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis.

Source: Compiled from data submitted in response to Commission questionnaires and from official Commerce statistics.

Table C-1--Continued

BSS: Summary data concerning the U.S. market, 1999-2004, January-September 2004, and January-September 2005

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

Item	Reported data						January-September		Period changes						
	1999	2000	2001	2002	2003	2004	2004	2005	1999-2004	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	Jan.-Sept. 2004-2005
U.S. basic producers:															
Average capacity quantity	634,779	644,373	587,613	628,599	598,991	606,983	456,363	448,083	-4.4	1.5	-8.8	7.0	-4.7	1.3	-1.8
Production quantity	573,981	558,227	387,191	446,192	407,574	441,125	346,976	302,879	-23.1	-2.7	-30.6	15.2	-8.7	8.2	-12.7
Capacity utilization (1)	90.4	86.6	65.9	71.0	68.0	72.7	76.0	67.6	-17.7	-3.8	-20.7	5.1	-2.9	4.6	-8.4
U.S. shipments:															
Quantity	557,813	552,724	382,267	436,520	399,963	428,939	337,473	298,001	-23.1	-0.9	-30.8	14.2	-8.4	7.2	-11.7
Value	579,105	623,848	434,505	476,451	447,739	592,521	463,234	481,621	2.3	7.7	-30.4	9.7	-6.0	32.3	4.0
Unit value	\$1.04	\$1.13	\$1.14	\$1.09	\$1.12	\$1.38	\$1.37	\$1.62	33.1	8.7	0.7	-4.0	2.6	23.4	17.7
Export shipments:															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	42,229	39,150	31,954	33,027	31,921	36,398	35,479	26,297	-13.8	-7.3	-18.4	3.4	-3.3	14.0	-25.9
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	1,560	1,466	1,281	1,348	1,308	1,203	1,217	1,122	-22.9	-6.0	-12.6	5.2	-3.0	-8.0	-7.8
Hours worked (1,000s)	3,433	3,250	2,695	2,855	2,719	2,624	2,021	1,779	-23.6	-5.3	-17.1	5.9	-4.8	-3.5	-12.0
Wages paid (\$1,000)	73,432	70,554	61,275	63,956	65,239	64,314	46,592	41,061	-12.4	-3.9	-13.2	4.4	2.0	-1.4	-11.9
Hourly wages	\$21.39	\$21.71	\$22.74	\$22.40	\$23.99	\$24.51	\$23.05	\$23.08	14.6	1.5	4.7	-1.5	7.1	2.2	0.1
Productivity (pounds per hour)	167.2	171.8	143.7	156.3	149.9	168.1	171.7	170.3	0.5	2.7	-16.4	8.8	-4.1	12.2	-0.8
Unit labor costs	\$0.13	\$0.13	\$0.16	\$0.14	\$0.16	\$0.15	\$0.13	\$0.14	14.0	-1.2	25.2	-9.4	11.7	-8.9	1.0
Net sales (3):															
Quantity	618,559	607,953	425,452	477,693	433,965	468,561	367,523	333,216	-24.2	-1.7	-30.0	12.3	-9.2	8.0	-9.3
Value	659,604	710,815	502,923	538,653	498,797	662,630	518,715	551,870	0.5	7.8	-29.2	7.1	-7.4	32.8	6.4
Unit value	\$1.07	\$1.17	\$1.18	\$1.13	\$1.15	\$1.41	\$1.41	\$1.66	32.6	9.6	1.1	-4.6	1.9	23.0	17.3
Cost of goods sold (COGS)	585,341	634,186	468,186	497,114	460,339	625,773	490,771	533,697	6.9	8.3	-26.2	6.2	-7.4	35.9	8.7
Gross profit or (loss)	74,263	76,629	34,737	41,539	38,458	36,857	27,944	18,173	-50.4	3.2	-54.7	19.6	-7.4	-4.2	-35.0
SG&A expenses	25,330	32,920	29,397	31,578	29,035	22,621	16,951	15,825	-10.7	30.0	-10.7	7.4	-8.1	-22.1	-6.6
Operating income or (loss)	48,933	43,709	5,340	9,961	9,423	14,236	10,993	2,348	-70.9	-10.7	-87.8	86.5	-5.4	51.1	-78.6
Capital expenditures	48,561	60,409	43,455	18,020	26,874	23,293	15,709	15,417	-52.0	24.4	-28.1	-58.5	49.1	-13.3	-1.9
Unit COGS	\$0.95	\$1.04	\$1.10	\$1.04	\$1.06	\$1.34	\$1.34	\$1.60	41.1	10.2	5.5	-5.4	1.9	25.9	19.9
Unit SG&A expenses	\$0.04	\$0.05	\$0.07	\$0.07	\$0.07	\$0.05	\$0.05	\$0.05	17.9	32.2	27.6	-4.3	1.2	-27.8	3.0
Unit operating income or (loss)	\$0.08	\$0.07	\$0.01	\$0.02	\$0.02	\$0.03	\$0.03	\$0.01	-61.6	-9.1	-82.5	66.1	4.1	39.9	-76.4
COGS/sales (1)	88.7	89.2	93.1	92.3	92.3	94.4	94.6	96.7	5.7	0.5	3.9	-0.8	0.0	2.1	2.1
Operating income or (loss)/ sales (1)	7.4	6.1	1.1	1.8	1.9	2.1	2.1	0.4	-5.3	-1.3	-5.1	0.8	0.0	0.3	-1.7

(1) "Reported data" are in percent and "period changes" are in percentage points.

(2) Undefined.

(3) Financial data include the operations of both basic producers and rerollers.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding, figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from official statistics of the U.S. Department of Commerce and from data submitted in response to Commission questionnaires.

Table C-2
BSS: Summary data of U.S. rerollers, 1999-2004, January-September 2004, and January-September 2005

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

Item	Reported data						January-September		Period changes						
	1999	2000	2001	2002	2003	2004	2004	2005	1999-2004	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	Jan.-Sept. 2004-2005
U.S. rerollers:															
Average capacity quantity	58,870	59,231	60,121	62,256	60,296	60,283	45,212	45,212	2.4	0.6	1.5	3.6	-3.1	-0.0	0.0
Production quantity	45,314	42,660	27,116	29,586	22,673	30,141	24,475	20,624	-33.5	-5.9	-36.4	9.1	-23.4	32.9	-15.7
Capacity utilization (1)	77.0	72.0	45.1	47.5	37.6	50.0	54.1	45.6	-27.0	-4.9	-26.9	2.4	-9.9	12.4	-8.5
U.S. shipments:															
Quantity	43,988	41,707	27,236	29,460	22,681	28,879	23,871	20,025	-34.3	-5.2	-34.7	8.2	-23.0	27.3	-16.1
Value	64,419	66,090	42,984	43,989	36,638	53,463	47,495	46,389	-17.0	2.6	-35.0	2.3	-16.7	45.9	-2.3
Unit value	\$1.46	\$1.58	\$1.58	\$1.49	\$1.62	\$1.85	\$1.99	\$2.32	26.4	8.2	-0.4	-5.4	8.2	14.6	16.4
Export shipments:															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity															
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	122	122	102	109	82	96	96	85	-21.3	0.0	-16.4	6.9	-24.8	17.1	-11.5
Hours worked (1,000s)	291	290	213	237	176	222	177	135	-23.7	-0.3	-26.5	11.0	-25.5	26.1	-23.6
Wages paid (\$1,000)	5,564	5,607	4,531	5,125	3,609	4,336	3,382	2,639	-22.1	0.8	-19.2	13.1	-29.6	20.1	-22.0
Hourly wages	\$19.09	\$19.31	\$21.24	\$21.65	\$20.46	\$19.50	\$19.15	\$19.55	2.1	1.1	10.0	1.9	-5.5	-4.7	2.1
Productivity (pounds per hour)	155.5	146.9	127.1	125.0	128.5	135.5	138.6	152.8	-12.8	-5.5	-13.5	-1.7	2.8	5.4	10.2
Unit labor costs	\$0.12	\$0.13	\$0.17	\$0.17	\$0.16	\$0.14	\$0.14	\$0.13	17.2	7.0	27.1	3.7	-8.1	-9.6	-7.4

(1) "Reported data" are in percent and "period changes" are in percentage points.

Note.--Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding, figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires.

Table C-1
 C2000-series brass sheet and strip: Summary data concerning the U.S. market, 2005-10, January-September 2010, and January-September 2011

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

Item	Reported data								Period changes						
	2005	2006	2007	2008	2009	2010	January-September		2005-10	2005-06	2006-07	2007-08	2008-09	2009-10	Jan.-Sept.
							2010	2011							2010-11
U.S. consumption quantity:															
Amount	424,871	435,217	389,039	367,480	338,798	400,060	310,807	289,223	-5.8	2.4	-10.6	-5.5	-7.8	18.1	-6.9
Producers' share (1)	85.6	87.0	89.3	90.3	93.3	91.8	92.6	90.9	6.2	1.4	23	1.0	3.0	-1.5	-1.7
Importers' share (1):															
France	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.0	-0.0	0.0	0.0	0.0	-0.0
Germany	0.5	0.7	0.7	1.2	1.1	1.4	1.3	2.5	0.9	0.2	0.0	0.5	-0.0	0.3	1.2
Italy	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.0	-0.0	0.0	0.0	-0.0	-0.0	0.0
Japan	0.7	0.6	0.5	0.6	0.2	0.1	0.1	0.1	-0.6	-0.1	-0.1	0.1	-0.3	-0.1	0.0
Subtotal	1.2	1.3	1.2	1.8	1.4	1.5	1.4	2.6	0.3	0.1	-0.1	0.6	-0.4	0.1	1.2
All other sources	13.2	11.7	9.5	7.9	5.3	6.6	5.9	6.5	-6.5	-1.5	-2.2	-1.6	-2.6	1.4	0.5
Total imports	14.4	13.0	10.7	9.7	6.7	8.2	7.4	9.1	-6.2	-1.4	-2.3	-1.0	-3.0	1.5	1.7
U.S. consumption value: Amount															
Amount	644,381	1,015,621	978,162	947,879	705,800	1,043,267	773,584	905,659	61.9	57.6	-37	-3.1	-25.5	47.8	17.1
Producers' share (1)	82.7	83.9	86.1	87.5	91.9	89.3	90.0	88.1	6.6	1.3	21	1.4	4.4	-2.6	-1.9
Importers' share (1):															
France	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.0	-0.0	0.0	0.0	0.0	-0.0
Germany	0.7	1.0	1.0	1.8	1.6	2.0	1.9	3.6	1.3	0.2	0.0	0.9	-0.2	0.4	1.7
Italy	0.1	0.0	0.1	0.1	0.0	0.0	0.0	0.0	-0.1	-0.0	0.0	-0.0	-0.0	-0.0	0.0
Japan	1.0	0.8	0.7	0.9	0.3	0.2	0.2	0.2	-0.9	-0.2	-0.1	0.1	-0.5	-0.2	0.0
Subtotal	1.8	1.8	1.7	2.7	2.0	2.2	2.1	3.8	0.4	-0.0	-0.0	1.0	-0.8	0.3	1.7
All other sources	15.5	14.3	12.2	9.8	6.2	8.5	7.8	8.0	-7.0	-1.2	-2.1	-2.4	-3.6	2.3	0.2
Total imports	17.3	16.1	13.9	12.5	8.1	10.7	10.0	11.9	-6.6	-1.3	-2.1	-1.4	-4.4	2.6	1.9
U.S. imports from:															
France:															
Quantity	33	6	0	0	2	62	62	0.4	88.8	-82.6	-100.0	(2)	(2)	3019.1	-99.3
Value	68	67	0	0	22	271	271	4	299.5	-1.2	-100.0	(2)	(2)	1140.7	-98.5
Unit value	\$2.08	\$11.82	(2)	(2)	\$11.06	\$4.40	\$4.40	\$9.96	111.5	468.0	(2)	(2)	(2)	-60.2	126.4
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Germany:															
Quantity	2,083	2,889	2,668	4,258	3,816	5,582	4,011	7,153	168.1	38.7	-7.7	59.6	-10.4	46.3	78.3
Value	4,609	9,654	9,428	17,285	11,248	21,064	14,746	32,831	357.0	109.5	-2.3	83.3	-34.9	87.3	122.6
Unit value	\$2.21	\$3.34	\$3.53	\$4.06	\$2.95	\$3.77	\$3.68	\$4.59	70.5	51.0	5.8	14.9	-27.4	28.0	24.8
Ending inventory quantity	0	25	18	71	73	83	63	76	(2)	(2)	-27.5	285.2	2.7	14.3	20.4
Italy:															
Quantity	196	116	148	151	29	21	21	56	-89.3	-41.0	27.8	2.0	-80.9	-27.5	169.1
Value	443	424	617	485	83	74	70	231	-83.3	-4.3	45.6	-21.4	-82.9	-11.0	229.7
Unit value	\$2.26	\$3.66	\$4.17	\$3.21	\$2.87	\$3.53	\$3.37	\$4.13	56.2	62.2	13.9	-22.9	-10.7	22.9	22.5
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Japan:															
Quantity	2,772	2,485	1,827	2,145	839	398	348	399	-85.6	-10.4	-26.5	17.4	-60.9	-52.6	14.5
Value	6,517	7,997	6,989	8,068	2,466	1,644	1,440	1,765	-74.8	22.7	-12.6	15.4	-69.4	-33.4	22.6
Unit value	\$2.35	\$3.22	\$3.82	\$3.76	\$2.94	\$4.13	\$4.13	\$4.42	75.7	36.9	18.9	-1.6	-21.9	40.6	7.1
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Subtotal (subject sources):															
Quantity	5,084	5,496	4,643	6,553	4,686	6,063	4,442	7,609	19.3	8.1	-15.5	41.1	-28.5	29.4	71.3
Value	11,637	18,141	17,033	25,838	13,819	23,053	16,528	34,831	98.1	55.9	-6.1	51.7	-46.5	66.8	110.7
Unit value	\$2.29	\$3.30	\$3.67	\$3.94	\$2.95	\$3.80	\$3.72	\$4.58	66.1	44.2	11.1	7.5	-25.2	28.9	23.0
Ending inventory quantity	0	25	18	71	73	83	63	76	(2)	(2)	-27.5	285.2	2.7	14.3	20.4
All other sources:															
Quantity	55,930	50,967	36,918	29,172	17,946	26,601	18,447	18,662	-52.4	-8.9	-27.6	-21.0	-38.5	48.2	1.2
Value	99,883	144,905	119,193	93,004	43,514	88,575	60,486	72,706	-11.3	45.1	-17.7	-22.0	-53.2	103.6	20.2
Unit value	\$1.79	\$2.84	\$3.23	\$3.19	\$2.42	\$3.33	\$3.28	\$3.90	86.4	59.2	13.6	-1.3	-23.9	37.3	18.8
Ending inventory quantity	927	1,180	428	340	469	532	417	360	-42.6	27.3	-63.7	-20.5	38.0	13.3	-13.8
All sources:															
Quantity	61,013	56,463	41,561	35,725	22,632	32,664	22,889	26,270	-46.5	-7.5	-26.4	-14.0	-36.6	44.3	14.8
Value	111,520	163,047	136,227	118,841	57,334	111,628	77,014	107,537	0.1	46.2	-16.4	-12.8	-51.8	94.7	39.6
Unit value	\$1.83	\$2.89	\$3.28	\$3.33	\$2.53	\$3.42	\$3.36	\$4.09	87.0	58.0	13.5	1.5	-23.8	34.9	21.7
Ending inventory quantity	927	1,205	446	411	542	615	481	436	-33.6	30.0	-63.0	-7.9	31.9	13.5	-9.3

Table continued on next page.

Table C-1--Continued

C2000-series brass sheet and strip: Summary data concerning the U.S. market, 2005-10, January-September 2010, and January-September 2011

Item	(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes-percent, except where noted)														
	Reported data								Period changes						
	2005	2006	2007	2008	2009	2010	January-September		2005-10	2005-06	2006-07	2007-08	2008-09	2009-10	Jan.-Sept. 2010-11
						2010	2011								
U.S. producers:															
Average capacity quantity.....	579,000	579,000	579,000	579,000	579,000	579,000	440,825	440,825	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Production quantity.....	363,809	373,597	344,268	332,022	315,940	368,321	283,849	257,210	1.2	2.7	-7.9	-3.6	-4.8	16.6	-9.4
Capacity utilization (1).....	62.8	64.5	59.5	57.3	54.6	63.6	64.4	58.3	0.8	1.7	-5.1	-2.1	-2.8	9.0	-6.0
U.S. shipments:															
Quantity.....	363,858	378,754	347,478	331,755	316,166	367,396	287,918	262,953	1.0	4.1	-8.3	-4.5	-4.7	16.2	-8.7
Value.....	532,861	852,574	841,935	829,038	648,466	931,639	696,570	798,122	74.8	60.0	-1.2	-1.5	-21.8	43.7	14.6
Unit value.....	\$1.46	\$2.25	\$2.42	\$2.50	\$2.05	\$2.54	\$2.42	\$3.04	73.2	53.7	7.6	3.1	-17.9	23.6	25.5
Export shipments:															
Quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity.....	26,909	24,810	20,771	22,946	24,902	25,248	27,368	26,159	-6.2	-7.8	-16.3	10.5	8.5	1.4	-4.4
Members/total shipments(1).....	7.2	6.4	5.8	6.7	7.5	6.5	6.8	7.1	-0.6	-0.8	-0.6	0.9	0.8	-1.0	0.3
Production workers.....	994	1,005	967	864	915	951	942	907	-4.3	1.1	-3.8	-10.7	5.9	3.9	-3.7
Hours worked (1,000s).....	1,882	1,944	1,803	1,608	1,645	1,791	1,448	1,386	-4.8	3.3	-7.3	-10.8	2.3	8.9	-4.3
Wages paid (\$1,000).....	51,560	58,873	54,607	48,748	52,305	57,230	42,918	41,423	11.0	14.2	-7.2	-10.7	7.3	9.4	-3.5
Hourly wages.....	\$27.40	\$30.28	\$30.29	\$30.32	\$31.80	\$31.95	\$29.64	\$29.89	16.6	10.5	0.0	0.1	4.9	0.5	0.8
Productivity (pounds per hour).....	193.3	192.2	190.9	206.5	192.1	205.7	196.0	185.6	6.4	-0.6	-0.6	8.1	-7.0	7.1	-5.3
Unit labor costs.....	\$0.14	\$0.16	\$0.16	\$0.15	\$0.17	\$0.16	\$0.15	\$0.16	9.6	11.2	0.7	-7.4	12.8	-6.1	6.5
Net sales:															
Quantity.....	409,508	421,190	390,384	373,539	364,172	414,378	323,734	297,376	1.2	2.9	-7.3	-4.3	-2.5	13.8	-8.1
Value.....	638,166	983,022	994,372	972,892	802,127	1,114,554	831,820	953,642	74.6	54.0	1.2	-2.2	-17.6	38.9	14.6
Unit value.....	\$1.56	\$2.33	\$2.55	\$2.60	\$2.20	\$2.69	\$2.57	\$3.21	72.6	49.8	9.1	2.3	-15.4	22.1	24.8
Cost of goods sold (COGS).....	601,260	946,290	964,790	979,571	764,199	1,072,596	799,409	925,520	78.4	57.4	2.0	1.5	-22.0	40.4	15.8
Gross profit or (loss).....	36,906	36,732	29,582	(6,679)	37,928	41,958	32,411	28,122	13.7	-0.5	-19.5	-122.6	-667.9	10.6	-13.2
SG&A expenses.....	14,725	14,655	13,857	15,758	18,545	17,554	13,278	15,007	19.2	-0.5	-5.4	13.7	17.7	-5.3	13.0
Operating income or (loss).....	22,181	22,077	15,725	(22,437)	19,383	24,404	19,133	13,115	10.0	-0.5	-28.8	-242.7	-186.4	25.9	-31.5
Capital expenditures.....	9,991	10,935	8,211	10,369	8,758	11,190	4,480	10,155	12.0	9.4	-24.9	26.3	-15.5	27.8	126.7
Unit COGS.....	\$1.47	\$2.25	\$2.47	\$2.62	\$2.10	\$2.59	\$2.47	\$3.11	76.3	53.0	10.0	6.1	-20.0	23.4	26.0
Unit SG&A expenses.....	\$0.04	\$0.03	\$0.04	\$0.04	\$0.05	\$0.04	\$0.04	\$0.05	17.8	-3.2	2.0	18.8	20.7	-16.8	23.0
Unit operating income or (loss).....	\$0.05	\$0.05	\$0.04	(\$0.06)	\$0.05	\$0.06	\$0.06	\$0.04	8.7	-3.2	-23.2	-249.1	-188.6	10.6	-25.4
COGS/sales (1).....	94.2	96.3	97.0	100.7	95.3	96.2	96.1	97.1	2.0	2.0	0.8	3.7	-5.4	1.0	0.9
Operating income or (loss)/ sales (1).....	3.5	2.2	1.6	-2.3	2.4	2.2	2.3	1.4	-1.3	-1.2	-0.7	-3.9	4.7	-0.2	-0.9

(1) "Reported data" are in percent and "period changes" are in percentage points.

Note.-- Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires and from official Commerce statistics.

Table C-2

Rolls of C2000-series brass sheet and strip: Summary data concerning the U.S. market, 2005-10, January-September 2010, and January-September 2011

Item	Reported data										Period changes				
	2005	2006	2007	2008	2009	2010	January-September		2005-10	2005-06	2006-07	2007-08	2008-09	2009-10	Jan.-Sept. 2010-11
							2010	2011							
U.S. reroilers:															
Average capacity quantity	64,248	63,852	63,491	61,224	60,849	62,548	47,211	47,120	-2.6	-0.6	-0.6	-3.6	-0.6	2.8	-0.2
Production quantity	34,389	35,683	33,960	32,644	30,741	30,947	24,744	23,603	-10.0	3.8	-4.8	-3.9	-5.8	0.7	-4.6
Capacity utilization (1)	53.5	55.9	53.5	53.3	50.5	49.5	52.4	50.1	-4.0	2.4	-2.4	-0.2	-2.8	-1.0	-2.3
U.S. shipments:															
Quantity	34,092	34,211	34,509	32,737	30,593	29,602	23,755	21,166	-13.2	0.3	0.9	-5.1	-6.5	-3.2	-10.9
Value	72,924	106,452	123,278	119,057	94,184	115,797	91,031	99,552	58.8	46.0	15.8	-3.4	-20.9	22.9	9.4
Unit value	\$2.14	\$3.11	\$3.57	\$3.64	\$3.08	\$3.91	\$3.83	\$4.70	82.9	45.5	14.8	1.8	-15.3	27.1	22.7
Export shipments:															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Inventories/total shipments(1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	57	57	60	60	62	53	54	51	-7.0	0.0	5.3	0.0	3.3	-14.5	-5.6
Hours worked (1,000s)	126	131	130	130	122	115	93	84	-8.4	3.9	-0.4	-0.1	-6.6	-5.1	-8.8
Wages paid (\$1,000)	3,646	3,870	4,097	4,078	3,919	3,750	2,977	2,962	2.9	6.1	5.9	-0.5	-3.9	-4.3	-0.5
Hourly wages	\$28.94	\$29.56	\$31.41	\$31.31	\$32.21	\$32.49	\$32.18	\$35.12	12.2	2.1	6.2	-0.3	2.9	0.9	9.1
Productivity (pounds per hour)	273.0	272.6	260.4	250.6	252.6	268.1	267.5	279.8	-1.8	-0.1	-4.5	-3.7	0.8	6.1	4.6
Unit labor costs	\$0.11	\$0.11	\$0.12	\$0.12	\$0.13	\$0.12	\$0.12	\$0.13	14.3	2.3	11.2	3.5	2.1	-4.9	4.3

(1) "Reported data" are in percent and "period changes" are in percentage points.

Note.-- Financial data are reported on a fiscal year basis and may not necessarily be comparable to data reported on a calendar year basis. Because of rounding figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires.

THE INDUSTRY IN FRANCE

Overview

In the original investigations, the Commission identified six French producers of various types of brass rolled products: (1) Trefimetaux; (2) Griset S.A.; (3) Comptoir Lyon Allemand Louyot; (4) Metayer-Noel; (5) Laminoirs du Dauphins; and (6) Usines de Navarre S.A. By the first reviews, only the first two producers still produced brass rolled products in France. In 1995, Trefimetaux combined with the Italian producer La Metall and the German producer Kabelmetall AG to form KM Europa, with a combined sheet and strip productive capacity of approximately 600 million pounds annually.⁶

In its response to the Commission's notice of institution in these reviews, counsel for domestic interested parties identified six current manufacturers/exporters of BSS in France.^{7 8} Questionnaires were sent by facsimile to these producers.⁹ One response was received from *** indicating that it is not a producer of subject BSS and no responses were received from other French firms. Production, inventory, and shipment data were not readily available on the industry in France.¹⁰ Industry-wide capacity of French fabricators to manufacture plate, sheet, and strip of refined copper and copper alloys (including nonsubject BSS) was reported to total *** billion pounds in 2011.¹¹ French production capacity for the *** reporting fabricators of these products (covering a broader range than BSS) is highly concentrated in a single firm, ***, with the other *** reporting significantly smaller production capacities.¹²

BSS Operations

According to the German respondents, BSS has not been cast or hot-rolled in France since around

⁶ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, Inv. Nos. 701-TA-269 & 270 (Review) and 731-TA-311-317 and 379-380 (Review), USITC Publication 3290, April 2000, p. IV-4. In the original investigations, the information about the French brass industry gathered by the Commission consisted of all brass rolled products, not solely C20000-series BSS. According to these data, producers in France had a capacity ranging from *** million pounds in 1983 to *** million pounds in 1985, production ranging from *** million pounds in 1985 to *** million pounds in 1984, and exported approximately *** percent to *** percent of their production to the United States from 1983 to 1985. Investigations Nos. 701-TA-270 (Final) and 731-TA-313, 314, 316, and 317 (Final), *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany*, final staff report, February 2, 1987, INV-K-009, pp. A-59-A-60.

⁷ *Substantive Response of Domestic Interested Parties*, March 31, 2011, exhibit 3.

⁸ German producer Schwermmetall noted that it is *** Schwermmetall's foreign producers' questionnaire response, section II-13.

⁹ These producers are: (1) CLAL-MSX SA; (2) Gindre Duchavany; (3) Gravograph Industrie International; (4) Griset SA; and (5) Trefimetaux SA. Staff was not able to contact Usines de Navarre.

¹⁰ Commission staff sought any information about the industry in France available from various international copper associations and metals statistics publications. For the period 2005-10 and September 2010 and September 2011, the World Bureau of Metal Statistics (WBMS) lists production only in 2007 for the industry in France of 210.8 million pounds of copper alloy semi-manufactured forms. This same source did not list any production in France of copper and alloy plate, sheet, and strip, including BSS, over this same period. WBMS, "Copper," *World Metal Statistics*, various issues. Commission staff also sent an e-mail query to the European Copper Institute and an e-mail query (with text in both French translation and the English original) to the Centre d'Information du Cuivre Laitons et Alliages (Information Center of Copper Brass and Alloys), asking about French company capabilities to produce BSS.

¹¹ ***.

¹² ***.

2009¹³ and that the industry no longer produces its own BSS,¹⁴ but rather, rerolls BSS sourced from outside of France.¹⁵ Of the six French BSS producers at the time of the original investigations, only two remained by time of the first reviews--Trefimeaux and Griset.¹⁶ Moreover, German Respondents also claimed no awareness of any new entrants into the French industry.¹⁷ Conversely, counsel for domestic interested parties claims that Griset's website identifies itself as a producer of subject BSS in France, and furthermore, available information indicates that other French firms produce copper alloy products, which may well include subject BSS.¹⁸

Trefimetaux was purchased by Italian-based refined copper and copper alloy rolled-products producer group KME in 1988. The renamed company, "KME France SAS," permanently ceased all production in 2006, ***¹⁹ reportedly as part of parent-company KME's rationalization and centralization of its brass production to within Italy.^{20 21}

Griset, ***, has a company website that lists its flat-rolled brass products within the UNS C20000 Series,²² which counsel for domestic interested parties considers confirmation that this French company is a producer of subject BSS.²³ According to German respondents, Griset ceased casting and hot rolling brass around 2009,^{24 25} reportedly to focus on electronics applications, mainly of pure copper.²⁶ Since then, it functions only as a reroller, and sources its ***.²⁷ German respondents further provided their estimates of Griset's production volumes, based on the volumes of re-roll material *** (table IV-5).^{28 29}

¹³ German respondents' prehearing brief, pp. 4 and 81.

¹⁴ German respondents' prehearing brief, p. 28.

¹⁵ German respondents' prehearing brief, p. 4.

¹⁶ German respondents' prehearing brief, pp. 28 and 81.

¹⁷ German respondents' prehearing brief, p. 80.

¹⁸ Hearing transcript, Cannon, pp. 50-51.

¹⁹ *** questionnaire response; and German respondents' posthearing brief, pp. 28, 80, and Q-1.

²⁰ German respondents' prehearing brief, pp. 4, 28, and 80.

²¹ KME also reportedly shifted all casting and hot-rolling of brass from its various German mills to Italy in 2001. German respondents' brief, pp. 4, 28, and 82.

²² Petitioners' prehearing brief, exhibit 3.

²³ Petitioners' prehearing brief, p. 4.

²⁴ German respondents' prehearing brief, pp. 28 and 81.

²⁵ Among copper and copper alloys, Griset is casting in France only refined copper alloy C19210, a high-performance alloy, containing more than 99 percent copper with some iron and phosphorous, for producing lead frames for power transistors. This alloy does not contain zinc, so Griset could not readily switch back and forth between producing this refined copper alloy and BSS without incurring significant costs and downtime. ***. German respondents' posthearing brief, p. Q-29.

²⁶ German respondents' prehearing brief, p. 28.

²⁷ German respondents' prehearing brief, pp. 28 and 81.

²⁸ German producers claim that the BSS capacity and production volumes associated with Griset's reroll operations are included in the capacity and production data reported by ***, the source of the reroll material for Griset. German respondents' posthearing brief, pp. Q-2 and Q-37.

²⁹ German producers also claim that the rerolled BSS does not currently enter the U.S. market, because Griset rerolls for its local markets. German respondents' posthearing brief, p. Q-37.

Table IV-5

Griset BSS: Reroll quantities purchased and estimates of finished quantities produced, 2005–10, January–September 2010, and January–September 2011 (1,000 pounds)

Period	Reroll purchase quantity	Estimated finished BSS quantity produced
2005	***	***
2006	***	***
2007	***	***
2008	***	***
2009	***	***
2010	***	***
January–September 2010	***	***
January–September 2011	***	***
Adjusted for anticipated *** percent yield loss from trimming required after each rolling stage and from slitting operations.		
Source: German respondents' posthearing brief, pp. Q-1 and Q-2.		

THE INDUSTRY IN GERMANY

Overview

In the original investigations, seven firms were identified as producers of BSS in Germany: (1) Langenberg Kupfer-und Messingwerke GmbH KG (“Langenberg”); (2) Metallwerke Schwarzwald GmbH (“Metallwerke”); (3) R and G Schmole Metallwerke GmbH and Co. KG; (4) Schwermetall Halbzeugwerk GmbH and Co. KG (“Schwermetall”); (5) Stolberger Metallwerke GmbH and Co. KG; (6) Wieland; and (7) William Prym-Werke GmbH & Co. KG.³⁰ By the time of the first reviews, Langenberg and Metallwerke had become part of Wieland, and several other German firms had entered the BSS business.³¹ In the second reviews, Prymetall GmbH & Co. KG (“Prymetall”),³² Schwermetall, and Wieland provided responses, and indicated that they accounted for ***, ***, and *** percent, respectively, of total production of BSS in Germany in 2004.

In its response to the Commission’s notice of institution in these reviews, counsel for domestic interested parties identified 12 current manufacturers/exporters of BSS in Germany.³³ German respondents identified two additional current manufacturers/exporters of BSS. Commission staff also

³⁰ These seven firms reported capacity to produce BSS ranging from 543.9 million pounds in 1983 to 564.5 million pounds in 1984, production ranging from 533.2 million pounds in 1983 to 572.8 million pounds in 1984, and exported 8 percent to 12 percent of their production to the United States from 1983 to 1985. *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany*, Inv. Nos. 701-TA-270 (Final) and 731-TA-313, 314, 316, and 317 (Final), USITC Publication 1951, February 1987, pp. A-44-A-47.

³¹ In the first reviews, only *** German producer provided data on its BSS operations. Investigations Nos. 701-TA-269-270 (Review) and 731-TA-311-317 and 379-80 (Review), *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, staff report, March 8, 2000, INV-X-054, pp. IV-7-IV-9.

³² ***’s questionnaire response, section I-7.

³³ *Substantive Response of Domestic Interested Parties*, March 31, 2011, exhibit 3.

identified two additional possible manufacturers/exports of BSS in Germany. Questionnaires were faxed and emailed to all of them.³⁴ Two German producers, ***, responded and indicated that they have not produced or exported C20000-series BSS during the POR. The Commission received useable questionnaires responses from three German producers (***)^{35 36} No responses were received from the remaining German producers.³⁷

BSS Operations

Wieland and Messingwerk account for an estimated *** percent of the Germany's production of finished BSS in 2010.³⁸ Schwermetall also noted that demand for BSS in Germany and Europe ***. Messingwerk, Schwermetall and Wieland, each responded that they had ***. Data provided by Messingwerk, Schwermetall, and Wieland are shown in table IV-6.^{39 40 41}

German producers' reported capacity to produce BSS increased over the period, from *** million pounds in 2005 to *** million pounds in 2010.^{42 43} Capacity in January-September 2011 declined by *** percent from capacity in January-September 2010. Capacity utilization ranged from a high of *** percent in 2006 to a low of *** percent in 2009. German production of BSS increased from *** million pounds

³⁴ These producers are: (1) Auerhammer Metallwerk GmbH; (2) Aurubis Stolberg GmbH & Co.KG (previously known as Prymetall GmbH & Co. KG); (3) Carl Schreiber GmbH; (4) Deutsche Nickel; (5) Diehl Metall Applications GmbH; (6) Fricke GmbH; (7) Gebr. Kemper GmbH & Co. KG; (8) KME Germany AG & Co. KG (Stolberger Metallwerke); (9) KM Europa Metal AG; (10) Messingwerk Plettenberg Herfeld GmbH & Co. KG; (11) MKM Mansfelder Kupfer und Messing GmbH; (12) Schlenk Metallfolien GmbH & Co. KG; (13) Schwermetall; (14) Sundwiger Messingwerk GmbH & Co.; (15) ThyssenKrupp VDM GmbH; and (16) Wieland.

³⁵ ***.

³⁶ ***. German respondents posthearing brief, exh. O and ***.

³⁷ KM Europa Metal AG (including its subsidiary, Fricke GmbH) stated that its firm does not produce BSS in Germany. Deutsche Nickel went bankrupt on June 1, 2005. *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, and Japan, Inv. Nos. 701-TA-269 (Second Review) and 731-TA-311-314, 317, and 379 (Second Review)*, Confidential staff report, February 15, 2006, INV-DD-021, page IV-16, fn 25. Commission staff also sent an e-mail query to the European Copper Institute and an e-mail query (with text in both German translation and the English original) to the Deutsches Kupfer-Institut (German Copper Institute), asking about German company capabilities to produce BSS.

³⁸ ***.

³⁹ In these reviews, data for all German producers, including both basic producers and rerollers, are presented using the same methodology as the first and second reviews.

⁴⁰ ***.

⁴¹ ***.

⁴² Domestic interested parties state that Germany has "substantial excess capacity" to produce BSS due to several factors. They state that "German producers and shipments to all markets declined significantly in interim 2011, yet no German mills were closed or capacity eliminated." In addition, Schwermetall is the "world's biggest producer of reroll material" and that its output has increased ten-fold over the past 30 years." Schwermetall reported a casting capacity of 420 million pounds during the POR; however, ***. Domestic interested parties' posthearing brief, p. 9-10, 54, exh. 6, att. 2, p. 29.

⁴³ Witnesses at the hearing noted that no new capacity for BSS has been added in Germany. Mr. Gortges, Vice President of Wieland's Rolled Products Division stated that no capacity to produce BSS has been added in Germany or other subject countries. Hearing transcript, p. 189 (Gortges). Mr. Traa, Member of Wieland's Executive Board stated that Wieland "commissioned one year ago a new rolling mill in one of our plants in the Black Forest, formerly known as Metalwerke Schwarzwald, but this is a replacement for existing rolling mills, so we basically put a new rolling mill in place and then decommission one or two older ones which are more than 40 or 50 years old." Hearing transcript, p. 191 (Traa).

in 2005 to *** million pounds in 2010. Production in January-September 2011 declined by *** percent compared with production in the same period of 2010. German producers' reported exports of BSS as a share of total shipments ranged from a high of *** percent in 2005 to a low of *** percent in 2010. German producers' reported exports of BSS to the United States during the period of review ***.

Table IV-6

BSS: Germany's reported production capacity, production, shipments, and inventories, 2005-2010, January-September 2010, and January-September 2011

* * * * *

All three responding German producers stated that it has produced *** on the same equipment and machinery used in the production of C20000-series BSS. The total production capacity for all of these products is presented in table IV-7.

Table IV-7

German producers' capacity, production, and capacity utilization for alternative products, 2005-10

* * * * *

THE INDUSTRY IN ITALY Overview

By the time of the first reviews, there were five producers of brass rolled products in Italy: (1) Europa Metalli/LMI-La Metalli Industriale, SpA ("La Metalli"); (2) Dalmet SpA; (3) Metallurgica San Marco SpA ("San Marco"); (4) SA Eredi Gnutti Metalli SpA; and (5) Trafilerie Carlo Gnutti SpA. All of these firms, except for San Marco, had produced some form of brass rolled products during the original investigations. ***.⁴⁴ In the second reviews, counsel for domestic interested parties identified eight current manufacturers/exporters of BSS in Italy, but no useable responses were received from any Italian firm.

In its response to the Commission's notice of institution in these reviews, counsel for domestic interested parties identified eight current manufacturers/exporters of BSS in Italy.⁴⁵ Commission staff also identified two additional possible manufacturers/exports of BSS in Italy. Questionnaires were faxed to these producers.⁴⁶ Aristoncavi SpA and Industrie & Fonderie Metalli SpA reported that they have ***. One useable response was received from KME Italy SpA. ("KME Italy").⁴⁷ Additional industry

⁴⁴ Investigations Nos. 701-TA-269-270 (Review) and 731-TA-311-317 and 379-80 (Review), *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, staff report, March 8, 2000, INV-X-054, pp. IV-8-IV-9. According to data gathered by the Commission in the original investigations, producers of C20000-series BSS in Italy had a capacity ranging from *** million pounds in 1983 to *** million pounds in 1985, production ranging from *** million pounds in 1983 to *** million pounds in 1985, and exported at least *** percent to *** percent of their production to the United States from 1983 to 1985. Investigations Nos. 701-TA-270 (Final) and 731-TA-313, 314, 316, and 317 (Final), *Certain Brass Sheet and Strip from France, Italy, Sweden, and West Germany*, final staff report, February 2, 1987, INV-K-009, pp. A-60-A-62.

⁴⁵ *Substantive Response of Domestic Interested Parties*, March 31, 2011, exhibit 3.

⁴⁶ These producers are: (1) AML; (2) Carlo Colomobo SpA; (3) Dalmet SpA; (4) S.A. Eredi Gnutti Metalli SpA; (5) Europa Metalli SpA (formerly La Metalli Industriale SpA); (6) Ilnor SpA; (7) Metallurgica Cidneo San Marco; (8) Simonelli Trafilerie SpA; (9) Trafilerie Carlo Gnutti SpA; and (10) Trafilerie di Lainate SpA/LMM.

⁴⁷ ***.

information was not otherwise readily available about the other companies in Italy.⁴⁸

BSS Operations

Table IV-8 presents data from KME Italy SpA. KME Italy estimates that it accounts for *** percent of the Italy's production of BSS in 2010 and reported that it has ***. KME Italy ***.

Table IV-8

BSS: KME Italy's reported production capacity, production, shipments, and inventories, 2005-2010, January-September 2010, and January-September 2011

* * * * *

THE INDUSTRY IN JAPAN Overview

In the original investigations, questionnaire respondents reported that there were eight producers of brass rolled products in Japan: (1) Sambo Copper; (2) Nippon Mining & Metals Co., Ltd.; (3) Mitsubishi Shindoh Co., Ltd.; (4) Mitsui Mining & Smelting Co., Ltd.; (5) Kobe Steel, Ltd.; (6) Furukawa Electric Co.; (7) Dowa Mining; and (8) Fuji Brass & Copper. By the time of the first reviews, all of these firms continued to produce brass rolled products in Japan, except for Dowa Mining and Fuji Brass & Copper.⁴⁹ In the second reviews, 20 firms were identified as manufacturers/exporters of BSS in Japan, but no firm provided a useable questionnaire response.

In its response to the Commission's notice of institution in these reviews, counsel for domestic interested parties identified twenty current manufacturers/exporters of BSS in Japan.⁵⁰ Commission staff also identified two additional possible manufacturers/exports of BSS in Japan. Questionnaires were faxed to these producers.⁵¹ One useable response was received from Mitsubishi Shindoh Co., Ltd. ("Mitsubishi Shindoh"). Additional industry information was not otherwise readily available about the other

⁴⁸ Commission staff sent an e-mail query to the European Copper Institute and an e-mail query (with text in both Italian translation and the English original) to the Instituto Italiano del Rame (Italian Copper Institute), asking about Italian company capabilities to produce BSS.

⁴⁹ *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, Inv. Nos. 701-TA-269 & 270 (Review) and 731-TA-311-317 and 379-380 (Review), USITC Publication 3290, April 2000, p. IV-6. In the first reviews, the Commission gathered data from five of the six Japanese producers on their BSS operations. These firms had a capacity of 211.4 million pounds in 1997 and 189.4 million pounds in 1998, production of 193.3 million pounds in 1997 and 165.2 million pounds in 1998, and exported *** percent of their production to the United States in 1997 and 1998. Investigations Nos. 701-TA-269-270 (Review) and 731-TA-311-317 and 379-80 (Review), *Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden*, staff report, March 8, 2000, INV-X-054, pp. IV-10-IV-11.

⁵⁰ *Substantive Response of Domestic Interested Parties*, March 31, 2011, exhibit 3.

⁵¹ These producers are: (1) Dowa Metal Co. Ltd.; (2) Fujisawa Co., Ltd.; (3) Furukawa Electric Co. Ltd.; (4) Harada Metal Industry; (5) Hitachi-Alloy; (6) Hitachi Cable Ltd.; (7) Kicho Shindosho Co. Ltd.; (8) Kitz Metal Works Corp.; (9) Kobe Steel, Ltd.; (10) Mitsubishi Materials Corp.; (11) Mitsubishi Electric Merecs Co. Ltd.; (12) Mitsubishi Shindoh Co. Ltd.; (13) Mitsui Mining & Smelting Co., Ltd. (Mitsui Kinzoku); (14) Mitsui Sumitomo Metal Mining Brass & Copper Co. Ltd.; (15) NGK Insulators (NGK Metals); (16) Nippon Mining & Metals Co., Ltd.; (17) Ohki Brass & Copper Co., Ltd.; (18) Sambo Copper Ally Co., Ltd.; (19) Sugino Metal Industry Co. Ltd.; (20) Sumitomo Metal Mining Brass & Copper Co., Ltd.; (21) Uji Copper & Alloy Co. Ltd; and (22) YKK Corporation.

companies in Japan.⁵²

BSS Operations

Table IV-9 presents data from Mitsubishi Shindoh. Mitsubishi Shindoh and Sambo Copper Alloy Co., Ltd. consolidated in 2008 into one company. Mitsubishi Shindoh estimates that it accounts for *** percent of the Japan's production of BSS in 2010 and *** percent of Japan's exports of BSS to the United States in 2010. It has ***.

Table IV-9
BSS: Mitsubishi Shindoh's reported production capacity, production, shipments, and inventories, 2005-2010, January-September 2010, and January-September 2011

* * * * *

Mitsubishi Shindoh stated that it has produced *** on the same equipment and machinery used in the production of C20000-series BSS. The total production capacity for all of these products is presented in table IV-10.

Table IV-10
Mitsubishi Shindoh's capacity, production, and capacity utilization for alternative products, 2005-10

* * * * *

GLOBAL MARKET

Information about production, consumption, prices, and additional global supply and demand factors were not readily available about the leading nonsubject sources of U.S. imports. By contrast, reported production capacity information is available (table IV-11) but the product coverage is broader than BSS and includes plate as well as sheet and strip, and all refined copper and copper alloys. World production of BSS is concentrated in the manufacturing industries in the North America, Western Europe, and East Asia. Likewise, these industrialized or rapidly industrializing economies account for most of the world's consumption.⁵³

Table IV-11
United States, subject countries, and nonsubject countries, reported country total capacities and individual fabricators' capacity size groupings, for producing plate, sheet, and strip of copper and copper alloys, 2011

* * * * *

⁵² Commission staff sent an e-mail query to the Japan Copper Development Association, asking about Japanese company capabilities to produce BSS.

⁵³ Various reporting agencies that report on copper and copper alloys, e.g., the Copper Development Association and the International Copper Study Group.

APPENDIX D

PURCHASER QUESTIONNAIRE RESPONSES

As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. A response was received from domestic interested parties and it named the following four firms as the top purchasers of brass sheet and strip: ***. Purchaser questionnaires were sent to these four firms and two firms (***) provided responses which are presented below.

1. a.) Have any changes occurred in technology; production methods; or development efforts to produce brass sheet and strip that affected the availability of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since initial year of review (2012)?
- b.) Do you anticipate any changes in technology; production methods; or development efforts to produce brass sheet and strip that will affect the availability of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	No	No
***	No	No

2. a.) Have any changes occurred in the ability to increase production of brass sheet and strip (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production) that affected the availability of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since 2012?
- b.) Do you anticipate any changes in the ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production) that will affect the availability of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	Shortage of US product. Constant difficulty meeting customer demands sourcing with only domestically sourced brass from ***.	Yes – new tin line at ***. Very little investment in the US suppliers.
***	No	No

3. a.) Have any changes occurred in factors related to the ability to shift supply of brass sheet and strip among different national markets (including barriers to importation in foreign markets or changes in market demand abroad) that affected the availability of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since 2012?
- b.) Do you anticipate any changes in factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market

demand abroad) that will affect the availability of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	Demand increases in the US have caused supply constraints. The brass strip I buy has very tight tolerances and Chinese and Mexican mills generally are not suitable sources. Only the *** mills can produce outside of the US.	No
***	No	No

4. a.) Have there been any changes in the end uses and applications of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since 2012?

b.) Do you anticipate any changes in the end uses and applications of brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	*** have forced brass sheet and strip thicknesses downward. This increases the length of strips needed. Also *** specifications required by customers are outside the capabilities of the US mills. Only *** mills have been qualified for our most difficult ***.	More of the same as described above. Acceleration of this trend.
***	No	No

5. a.) Have there been any changes in the existence and availability of substitute products for brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since 2012?

b.) Do you anticipate any changes in the existence and availability of substitute products for brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	No	No
***	No	No

6. a.) Have there been any changes in the level of competition between brass sheet and strip produced in the United States, brass sheet and strip produced in France, Germany, Italy, and Japan, and such merchandise from other countries in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since 2012?

b.) Do you anticipate any changes in the level of competition between brass sheet and strip produced in the United States, brass sheet and strip produced in France, Germany, Italy, and Japan, and such merchandise from other countries in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	*** of my brass is sourced with *** mill. *** have become uncompetitive for my business since ***. This is a MAJOR risk factor!!	No
***	No	No

7. a.) Have there been any changes in the business cycle for brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan since 2012?

b.) Do you anticipate any changes in the business cycle for brass sheet and strip in the U.S. market or in the market for brass sheet and strip in France, Germany, Italy, and Japan within a reasonably foreseeable time?

Purchaser	Changes that have occurred	Anticipated changes
***	Not sure what this question means	Not sure what this question means
***	No	No

