Carbon and Certain Alloy Steel Wire Rod from Italy, Korea, Spain, Turkey, and the United Kingdom

Investigation Nos. 701-TA-573-574 and 731-TA-1350-1351, 1354-1355, and 1358 (Final)

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Inv. Nos. 701-TA-573-574 and 731-TA-1350, 1351, 1354, 1355, and 1358 (Final)

Carbon and Certain Alloy Steel Wire Rod from Italy, Korea, Spain, Turkey, and the United Kingdom

DETERMINATIONS

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission ("Commission") determines,² pursuant to the Tariff Act of 1930 ("the Act"), that an industry in the United States is materially injured by reason of imports of carbon and certain alloy steel wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom, provided for in subheadings 7213.91.30, 7213.91.45, 7213.91.60, 7213.99.00, 7227.20.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV") and imports of such wire rod found by Commerce to be subsidized by the governments of Italy and Turkey.³

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

² Chairman Schmidtlein, Vice Chairman Johanson, and Commissioners Williamson and Broadbent voted in the affirmative. Commissioner Kearns did not participate in these investigations.

³ The Commission also finds that imports of wire rod subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping duty orders on imports from Spain and the United Kingdom and the countervailing duty order on imports from Turkey.

BACKGROUND

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective March 28, 2017, following receipt of a petition filed with the Commission and Commerce by Charter Steel, Saukville, Wisconsin; Gerdau Ameristeel US Inc., Tampa, Florida; Keystone Consolidated Industries, Inc., Peoria, Illinois; and Nucor Corporation, Charlotte, North Carolina. Effective September 5, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on carbon and certain alloy steel wire rod, following preliminary determinations by Commerce that imports of the subject wire rod were subsidized by the governments of Italy and Turkey. Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of September 20, 2017 (82 FR 44001). The hearing was held in Washington, DC, on November 16, 2017 and all persons who requested the opportunity were permitted to appear in person or by counsel.

VIEWS OF THE COMMISSION

Based on the record in the final phase of these investigations, we determine that an industry in the United States is materially injured by reason of imports of carbon and certain alloy steel wire rod ("wire rod") from Italy, Korea, Spain, Turkey, and the United Kingdom found by the U.S. Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV") and imports of wire rod that Commerce found to be subsidized by the governments of Italy and Turkey. We also find that critical circumstances do not exist with respect to certain subject imports of wire rod from Spain, Turkey, and the United Kingdom for which Commerce made affirmative critical circumstances determinations.

I. Background

The petitions in these investigations and the accompanying investigations of wire rod from Belarus, Russia, South Africa, Ukraine, and the United Arab Emirates were filed on March 28, 2017, by Charter Steel; Gerdau Ameristeel U.S. Inc. ("Gerdau"); Nucor Corporation ("Nucor"); and Keystone Consolidated Industries, Inc. ("Keystone"), domestic producers of wire rod.

Although the petitions for the investigations of wire rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, the United Arab Emirates, and the United Kingdom were filed on the same day, March 28, 2017, the investigation schedules became staggered when Commerce: (i) extended the deadline for making preliminary determinations in all investigations, except those concerning imports from Belarus, Russia, and the United Arab Emirates, thereby necessitating earlier final determinations by the Commission in the investigations involving wire rod from Belarus, Russia, and the United Arab Emirates in January 2018;² and (ii) reached final determinations concerning wire rod from South Africa and Ukraine in January 2018, thereby necessitating earlier final determinations by the Commission in those investigations³ than those in the investigations of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom. The Commission made affirmative determinations on the basis of cumulated imports from all subject countries in both prior sets of determinations in the wire rod investigations.⁴

The Commission's record for the current set of investigations closed on December 13, 2017, at the same time as those for the investigations on subject imports from Belarus, Russia, South Africa, Ukraine, and the United Arab Emirates, except that the final Commerce

¹ Commissioner Kearns did not participate in these investigations.

² Carbon and Certain Alloy Steel Wire Rod from Belarus, Russia, and the United Arab Emirates, Inv. Nos. 731-TA-1349, 1352 and 1357 (Final), USITC Pub. 4752 (January 2018) ("Wire Rod Final I").

³ Carbon and Certain Alloy Steel Wire Rod from South Africa and Ukraine, Inv. Nos. 731-TA-1353 and 1356 (Final), USITC Pub. 4766 (March 2018) ("Wire Rod Final II").

⁴ Wire Rod Final I, USITC Pub. 4752 at 21; Wire Rod Final II, USITC Pub. 4766 at 5.

determinations on subject imports from Italy, Korea, Spain, Turkey, and the United Kingdom and the parties' comments concerning those determinations have been added to the record.⁵

II. Material Injury by Reason of Subject Imports

Section 771(7)(G)(iii) of the Tariff Act of 1930, as amended ("the Act"), provides that the Commission must make its material injury determinations in the instant investigations on the basis of the same record as that in the investigations regarding imports from Belarus, Russia, and the United Arab Emirates, except to the extent discussed above. Therefore, in these investigations, we adopt the findings and analyses in our determination and views regarding subject imports from Belarus, Russia, and the United Arab Emirates with respect to the issues of domestic like product, domestic industry, cumulation, conditions of competition, and material injury by reason of cumulated subject imports.

Accordingly, we determine that the domestic industry producing wire rod is materially injured by reason of LTFV subject imports from Italy, Korea, Spain, Turkey, and the United Kingdom and subsidized subject imports from Italy and Turkey.⁸

⁵ See 19 U.S.C. § 1677(7)(g)(iii). Petitioner Nucor filed comments, as did petitioners Gerdau, Keystone, and Charter Steel, which filed comments jointly. Also filing comments were foreign producers and exporters British Steel Ltd., POSCO, and Turkish producer Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S., the Istanbul Minerals and Metals Exporters Association and its members, and the Turkish Steel Exporters' Association and its members (collectively, "Turkish Respondents").

The Commission expressly stated that "{s}upplemental party comments may address only Commerce's final determinations regarding imports of carbon and certain alloy steel wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom." Carbon and Certain Alloy Steel Wire Rod from Italy, Korea, Spain, Turkey, and the United Kingdom: Supplemental Schedule for the Subject Investigations, 83 Fed. Reg. 16381, 16382 (Apr. 16, 2018). Notwithstanding this instruction, a substantial portion of POSCO's supplemental comments addresses the Commission's domestic like product analysis in Wire Rod Final I. POSCO's comments are not pertinent to Commerce's final determinations, as these contained no revision to the scope of these investigations. Because they were beyond the permitted scope of the supplemental comments, we have disregarded POSCO's comments on grade 1080+ tire cord wire rod. 83 Fed. Reg. at 16382.

⁶ 19 U.S.C. § 1677(7)(G)(iii). This was also the same record used in the investigations regarding wire rod from South Africa and Ukraine. *See Wire Rod Final II*, USITC Pub 4766 at 4-5.

⁷ See Wire Rod Final I, USITC Pub. 4752.

⁸ Pursuant to Section 771(24) of the Tariff Act, imports from a subject country of merchandise corresponding to a domestic like product that account for less than 3 percent of all such merchandise imported into the United States during the most recent 12 months for which data are available preceding the filing of the petition shall be deemed negligible. 19 U.S.C. § 1677(24)(A)(i). The statute further provides that subject imports from a single country which comprise less than 3 percent of total such imports of the product may not be considered negligible if there are several countries subject to investigation with negligible imports and the sum of such imports from all those countries collectively accounts for more than 7 percent of the volume of all such merchandise imported into the United States. 19 U.S.C. § 1677(24)(A)(ii). In the case of countervailing duty investigations involving developing countries (as designated by the United States Trade Representative), the statute indicates that the (continued...)

III. Critical Circumstances

A. Legal Standards and Party Arguments

In its final antidumping duty determinations concerning wire rod from Spain and the United Kingdom and the final countervailing duty determination concerning wire rod from

negligibility limits are 4 percent and 9 percent, rather than 3 percent and 7 percent. 19 U.S.C. § 1677(24)(B).

During the 12-month period prior to the filing of the petition, March 2016 through February 2017, subject imports from Korea accounted for 4.9 percent of the quantity of total imports, subject imports from Spain for 4.5 percent, and subject imports from Turkey for 4.5 percent, all of which are above the 3 percent individual subject country statutory negligibility threshold applicable to the antidumping and countervailing duty investigations. *Wire Rod I Final*, USITC Pub. 4752 at Table IV-8. Accordingly, we find that the subject imports from Korea, Spain, and Turkey are not negligible.

During the 12-month period prior to the filing of the petition, subject imports from Italy accounted for 2.5 percent of the quantity of total imports and subject imports from the United Kingdom accounted for 2.6 percent, which are below the 3 percent individual subject country statutory negligibility threshold applicable to antidumping and countervailing duty investigations. However, when subject imports from Italy and the United Kingdom are combined with subject imports from other subject countries that also fall below the 3 percent statutory negligibility threshold (Belarus, South Africa, and the United Arab Emirates), the aggregate percentage of total imports is 10.2 percent. Subject imports from Belarus accounted for 2.6 percent of the quantity of total imports, subject imports from South Africa accounted for 1.2 percent, and subject imports from the United Arab Emirates accounted for 1.3 percent. Wire Rod I Final, USITC Pub. 4752 at Table IV-8. Because this exceeds the 7 percent statutory threshold pertinent to aggregated imports from individually negligible sources, we find that subject imports from Italy and the United Kingdom are also not negligible.

 9 The statute additionally instructs the Commission to consider the "magnitude of the dumping margin" in an antidumping proceeding as part of its consideration of the impact of imports. 19 U.S.C. § 1677(7)(C)(iii)(V). In its final determinations, Commerce found dumping margins of 12.41 percent to 18.89 percent for subject imports from Italy, 41.1 percent for subject imports from Korea, 11.08 percent to 32.64 percent for subject imports from Spain, 4.74 percent to 7.94 percent for subject imports from Turkey, and 147.63 percent for subject imports from the United Kingdom. Certain Carbon and Alloy Steel Wire Rod from Italy: Final Determination of Sales at Less Than Fair Value, 83 Fed. Reg. 13230 (Mar. 28, 2018); Certain Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances, 83 Fed. Reg. 13228 (Mar. 28, 2018); Certain Carbon and Alloy Steel Wire Rod from Spain: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part, 83 Fed. Reg. 13233 (Mar. 28, 2018); Certain Carbon and Alloy Steel Wire Rod from Turkey: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances, 83 Fed. Reg. 13249 (Mar. 28, 2018); Certain Carbon and Alloy Steel Wire Rod from the United Kingdom: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 83 Fed. Reg. 13252 (Mar. 28, 2018). Our consideration of the dumping margins in these proceedings, as well as those for the other subject countries whose imports we have cumulated, is described in Wire Rod Final I, USITC Pub. 4752 at 38 n.229 and Wire Rod Final II, USITC Pub. 4766 at 5-6 n.8.

Turkey, Commerce found that critical circumstances exist with respect to certain subject producers and exporters. 10 Because we have determined that the domestic industry is materially injured by reason of certain subject imports from Spain, Turkey, and the United Kingdom, we must further determine "whether the imports subject to the affirmative {Commerce critical circumstances} determination . . . are likely to undermine seriously the remedial effect of the antidumping {and/or countervailing duty} order to be issued." 11 The Uruguay Round Agreements Act ("URAA") Statement of Administrative Action ("SAA") provides that the Commission is to determine "whether, by massively increasing imports prior to the effective date of relief, the importers have seriously undermined the remedial effect of the order" and specifically "whether the surge in imports prior to the suspension of liquidation, rather than the failure to provide retroactive relief, is likely to seriously undermine the remedial effect of the order." The legislative history indicates that the critical circumstances provision was designed "to deter exporters whose merchandise is subject to an investigation from circumventing the intent of the law by increasing their exports to the United States during the period between initiation of an investigation and the preliminary determination by {Commerce}."¹³ An affirmative critical circumstances determination by the Commission, in conjunction with an affirmative determination of material injury by reason of subject imports, would normally result in the retroactive imposition of duties for those imports subject to the affirmative Commerce critical circumstances determination for a period of 90 days prior to the suspension of liquidation. 14

The statute further provides that in making these findings, the Commission shall consider, among other factors it considers relevant,

- (I) the timing and the volume of the imports,
- (II) a rapid increase in inventories of the imports, and

¹⁰ Certain Carbon and Alloy Steel Wire Rod from Spain: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part, 83 Fed. Reg. 13233 (Mar. 28, 2018); Certain Carbon and Alloy Steel Wire Rod from Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part, 83 Fed. Reg. 13239 (Mar. 28, 2018); Certain Carbon and Alloy Steel Wire Rod from the United Kingdom: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 83 Fed. Reg. 13252 (Mar. 28, 2018).

Commerce made negative final critical circumstances determinations with respect to LTFV imports from Korea and Turkey. *Certain Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 83 Fed. Reg. 13228 (Mar. 28, 2018); *Certain Carbon and Alloy Steel Wire Rod from Turkey: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 83 Fed. Reg. 13249 (Mar. 28, 2018).

¹¹ 19 U.S.C. §§ 1671d(b)(4)(A)(ii), 1673d(b)(4)(A)(ii).

¹² URAA SAA, H.R. Rep. No. 103-316, vol. I at 877 (1994).

¹³ ICC Industries, Inc., v. United States, 812 F.2d 694, 700 (Fed. Cir. 1987), quoting H.R. Rep No. 96-317 at 63 (1979), aff'g 632 F. Supp. 36 (Ct. Int'l Trade 1986). See 19 U.S.C. §§ 1671b(e)(2), 1673b(e)(2).

¹⁴ 19 U.S.C. §§ 1671d(e)(2), 1673d(e)(2).

(III) any other circumstances indicating that the remedial effect of the antidumping order will be seriously undermined. ¹⁵

In considering the timing and volume of subject imports, the Commission's practice is to consider import quantities prior to the filing of the petition with those subsequent to the filing of the petition using monthly statistics on the record regarding those firms for which Commerce has made an affirmative critical circumstances determination. ¹⁶

Petitioner Nucor argues that the Commission should find that critical circumstances exist with respect to certain subject imports from Spain, Turkey, and the United Kingdom because these imports are likely to undermine seriously the remedial effect of the antidumping and countervailing duty orders. ¹⁷ In making this argument, Nucor compares six-month prepetition and post-petition periods for imports from all three subject countries. Nucor also contends that inventories of subject imports from Turkey and the United Kingdom are held in large quantities. ¹⁸

Turkish Respondents argue that the Commission should make a negative critical circumstances finding with respect to certain subsidized subject imports from Turkey. ¹⁹ Specifically, they contend that, with the exception of one month, the volume of imports of wire rod from Turkey during the six month post-petition period trended downward, and that inventories are insufficient to delay the remedial effects of the order. ²⁰ In addition, British Steel contests Commerce's affirmative critical circumstances determination with respect to it. ²¹

B. Analysis

1. Choice of Time Period

We first consider the appropriate period for comparison of pre-petition and post-petition levels of subject imports from Spain, Turkey, and the United Kingdom. The Commission is not required to analyze the same period that Commerce examined.²² Unless the industry under investigation involves seasonality or the Commission decides that circumstances

¹⁵ 19 U.S.C. §§ 1671d(b)(4)(A)(ii), 1673d(b)(4)(A)(ii).

¹⁶ See Lined Paper School Supplies from China, India, and Indonesia, Inv. Nos. 701-TA-442-43, 731-TA-1095-97, USITC Pub. 3884 at 46-48 (Sept. 2006); Carbazole Violet Pigment from China and India, Inv. Nos. 701-TA-437 and 731-TA-1060-61 (Final), USITC Pub. 3744 at 26 (Dec. 2004); Certain Frozen Fish Fillets from Vietnam, Inv. No. 731-TA-1012 (Final), USITC Pub. 3617 at 20-22 (Aug. 2003).

¹⁷ Nucor Comments at 3.

¹⁸ Nucor Comments at 3-4.

¹⁹ Turkish Respondents' Comments at 3-4.

²⁰ Turkish Respondents' Comments at 4.

²¹ British Steel Comments at 2.

²² Certain Polyester Staple Fiber from China, Inv. No. 731-TA-1104 (Final), USITC Pub. 3922 at 35 (June 2007); Steel Concrete Reinforcing Bars from Turkey, Inv. No. 731-TA-745 (Final), USITC Pub. 3034 at 34 (Apr. 1997).

warrant otherwise, ²³ the Commission generally compares six months of data gathered from the periods immediately preceding and following the petition's filing. The Commission has relied on a shorter comparison period when Commerce's preliminary determination applicable to the country at issue fell within the six-month post-petition period the Commission typically considers. ²⁴ That situation arises here with respect to subject imports from Turkey. ²⁵ Thus, we have determined to compare the volume of subject imports from Turkey for the five-month periods, and the volume of subject imports from Spain and the United Kingdom for the six-month periods, before and after the filing of the petition. ²⁶

2. Spain

In its final antidumping duty critical circumstances determination for wire rod from Spain, Commerce determined that critical circumstances exist with respect to subject imports produced by ArcelorMittal Espana S.A.²⁷ Subject import volume from Spain was *** short tons for the six-month period before the filing of the petition and *** short tons for the six-month period following the filing of the petition, an increase of *** short tons. ²⁸ End-of-period U.S. inventories of subject imports from Spain were lower in September 2017 at *** short tons

²³ See 1,1,1,2--Tetrafluoroethane (R-134a) from China, Inv. No. 731-TA-1313 (Final), USITC Pub. 4679 at 25 (April 2017) (engaging in seasonal analysis because of demand patterns for product).

²⁴ See Biodiesel from Argentina and Indonesia, Inv. Nos. 731-TA-1347-1348 (Final), USITC Pub. 4775 at 6-7 (April 2018); Wire Rod Final I, USITC Pub. 4752 at 46-47; Softwood Lumber Products from Canada, Inv. Nos. 701-TA-566 and 731-TA-1342 (Final), USITC Pub. 4749 at 44-45 (Dec. 2017); Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, Inv. Nos. 701-TA-545-547, 731-TA-1291-1297 (Final), USITC Pub. 4638 at 49-50 (Sept. 2016); Certain Corrosion-Resistant Steel Products from China, India, Italy, Korea, and Taiwan, Inv. Nos. 701-TA-534-537 and 731-TA-1274-1278 (Final), USITC Pub. 4620 at 35-36 (July 2016); Polyethylene Terephthalate (PET) Resin from Canada, China, India, and Oman, Inv. Nos. 701-TA-531-532 and 731-TA-1270-1273 (Final), USITC Pub. 4604 at 31-32 (Apr. 2016); Carbon and Certain Steel Wire Rod from China, Inv. Nos. 701-TA-512, 731-TA-1248 (Final), USITC Pub. 4509 at 25-26 (Jan. 2015).

²⁵ The petitions in these investigations were filed on March 28, 2017, and Commerce made its preliminary countervailing duty determination on wire rod from Turkey on September 5, 2017. *Certain Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical Circumstances Determinations, in Part*, 82 Fed. Reg. 41929 (Sept. 5, 2017).

²⁶ The five-month periods considered for Turkey are November 2016 through March 2017 and April 2017 through August 2017, and the six-month periods considered for Spain and the United Kingdom are October 2016 through March 2017 and April 2017 through September 2017.

²⁷ Certain Carbon and Alloy Steel Wire Rod from Spain: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part, 83 Fed. Reg. 13233 (Mar. 28, 2018).

²⁸ Supplemental Confidential Report (INV-QQ-044, Apr. 24, 2018) ("Supp. CR") at Table I-5; Public Report ("Supp. PR") at Table I-5.

compared to *** short tons in September 2016.²⁹ The volume of subject imports subject to the critical circumstances finding increased for *** of the post-petition period before declining ***.³⁰ We do not find that the increased volume during the post-petition period, particularly in the context of the over 4 million short ton merchant market for wire rod annually during the period of investigation,³¹ was sufficiently large to undermine seriously the remedial effect of the order. The available information about U.S. importers' inventories of wire rod from Spain as of September 30, 2017 also does not indicate an ability to undermine seriously the remedial effect of the order. Consequently, we make a negative critical circumstances determination with regard to subject imports in the antidumping duty investigation of wire rod from Spain.

3. Turkey

In its final countervailing duty critical circumstances determination for wire rod from Turkey, Commerce determined that critical circumstances exist with respect to subject imports produced by Habas Sinai Ve Tibbi Gazlar Istih and all other producers and exporters in Turkey. 32 Subject import volume from Turkey was *** short tons for the five-month period before the filing of the petition and *** short tons for the five-month period following the filing of the petition.³³ Although the increase after the filing of the petition was *** short tons, the vast majority of imports during the post-petition period—*** short tons—entered in *** 2017, which was about *** days after the petitions were filed. 34 The record indicates that wire rod is primarily produced-to-order, with most U.S. importers reporting lead times for commercial shipments averaging 101 days.³⁵ Thus, the information in the record indicates that that the shipments from Turkey entering in *** were likely ordered and already being produced prior to the filing of the petition in March. In addition, although the import volume increased for one month during the post-petition period, we do not find that the increased volume, particularly in the context of the over 4 million short ton merchant market for wire rod annually during the period of investigation, ³⁶ was sufficiently large to undermine seriously the remedial effect of the order. Finally, available data indicate that U.S. importers' inventories of wire rod from Turkey were lower in September 2017 at *** short tons compared to *** short tons in

²⁹ Supp. CR/PR at Table I-5, Note. The information available in the record concerns inventories of all subject imports from Spain.

³⁰ Supp. CR/PR at Table I-5.

³¹ Confidential Report, INV-PP-161 (Dec. 8, 2017) ("CR") at Table IV-15; Public Report ("PR") at Table IV-15.

³² Certain Carbon and Alloy Steel Wire Rod from Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part, 83 Fed. Reg. 13239 (Mar. 28, 2018).

³³ Supp. CR/PR at Table I-4.

³⁴ Supp. CR/PR at Table I-4.

³⁵ CR at II-15, PR at II-8.

³⁶ CR/PR at Table IV-15.

September 2016; ³⁷ this decline to a very low level of inventories does not indicate an ability to undermine seriously the remedial effect of the order. Consequently, we make a negative critical circumstances determination with regard to subject imports in the countervailing duty investigation of wire rod from Turkey.

4. United Kingdom

In its final antidumping duty critical circumstances determination for wire rod from the United Kingdom, Commerce determined that critical circumstances exist with respect to subject imports from all producers and exporters. Subject import volume from the United Kingdom was 14,368 short tons for the six-month period before the filing of the petition and 28,015 short tons for the six-month period following the filing of the petition, an increase of 13,647 short tons. Although the subject import volume increased during the post-petition period, we do not find that the increased volume, particularly in the context of the over 4 million short ton merchant market for wire rod annually during the period of investigation, was sufficiently large to undermine seriously the remedial effect of the order. The level of U.S. importers' inventories of wire rod from the United Kingdom as of September 30, 2017 were minimal at *** short tons, and also does not indicate an ability to undermine seriously the remedial effect of the order. Consequently, we make a negative critical circumstances determination with regard to subject imports in the antidumping duty investigation of wire rod from the United Kingdom.

IV. Conclusion

For the reasons stated above, we determine that an industry in the United States is materially injured by reason of subject imports of wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom. We also find that critical circumstances do not exist with respect to wire rod imports from Spain, Turkey, and the United Kingdom subject to Commerce's affirmative critical circumstances determinations.

³⁷ Supp. CR/PR at Table I-4, Note. The information available in the record concerns inventories of all subject imports from Turkey. We observe that U.S. importers' end-of-period inventories for subject imports from Turkey trended downward during the period of investigation. CR/PR at Table VII-38.

³⁸ Certain Carbon and Alloy Steel Wire Rod from the United Kingdom: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 83 Fed. Reg. 13252 (Mar. 28, 2018).

³⁹ Supp. CR/PR at Table I-6.

⁴⁰ CR/PR at Table IV-15.

⁴¹ Supp. CR/PR at Table I-6, Note.

PART I: INTRODUCTION

BACKGROUND

These investigations result from petitions filed with the U.S. Department of Commerce ("Commerce") and the U.S. International Trade Commission ("USITC" or "Commission") by Charter Steel ("Charter"), Saukville, Wisconsin; Gerdau Ameristeel US Inc. ("Gerdau"), Tampa, Florida; Keystone Consolidated Industries, Inc. ("Keystone"), Peoria, Illinois; and Nucor Corporation ("Nucor"), Charlotte, North Carolina on March 28, 2017, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized imports of carbon and certain alloy steel wire rod ("wire rod") from Italy and Turkey, and less-than-fair-value ("LTFV") imports of wire rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, the United Arab Emirates, and the United Kingdom. The following tabulation provides information relating to the background of these investigations.

Effective/applicable date	Action
March 28, 2017	Petitions filed with Commerce and the Commission; institution of the Commission's investigations (82 FR 16232, April 3, 2017)
April 17, 2017	Commerce's notice of initiation of countervailing duty (82 FR 19213, April 26, 2017) and antidumping duty investigations (82 FR 19207, April 26, 2017)
May 12, 2017	Commission's preliminary determinations (82 FR 22846, May 18, 2017)
July 9, 2017	Commerce's postponement of preliminary antidumping duty determinations on imports from Italy, Korea, South Africa, Spain, Turkey, Ukraine, the United Kingdom (82 FR 39564, August 21, 2017)
August 25, 2017	Commerce's preliminary countervailing duty determinations on imports from Italy (82 FR 41931, September 5, 2017), Turkey, and preliminary critical circumstances determinations on imports from Turkey (82 FR 41929, September 5, 2017)

¹ The Commission completed and filed its determinations in the investigations on imports of carbon and certain alloy steel wire rod from Belarus, Russia, and the United Arab Emirates on January 11, 2018. The Commission completed and filed its determinations in the investigations on imports of carbon and certain alloy steel wire rod from South Africa and Ukraine on March 1, 2018.

² Pertinent *Federal Register* notices (including full citations) are referenced in appendix A, and may be found at the Commission's website (www.usitc.gov).

September 5, 2017	Commerce's preliminary antidumping duty determinations on imports from Belarus (82 FR 42796, September 12, 2017), Russia, and the UAE, and preliminary critical circumstances determinations on imports from Russia (82 FR 42794, September 12, 2017)
September 5, 2017	Scheduling of final phase of Commission investigations (82 FR 44001, September 20, 2017)
October 31, 2017	Commerce's preliminary antidumping duty determinations on imports from Italy (82 FR 50381), Spain (82 FR 50389), Korea (82 FR 50386), South Africa (82 FR 50383), United Kingdom (82 FR 50394), Turkey (82 FR 50377), and Ukraine (82 FR 50375)
November 16, 2017	Commission's hearing
November 28, 2017	Commerce's final antidumping duty determinations (Belarus, Russia, and UAE) (82 FR 56214)
November 28, 2017	Commerce's amended preliminary antidumping duty determination on imports from Korea (82 FR 56220)
December 19, 2017	Commission's vote (Belarus, Russia, and UAE)
January 11, 2018	Commission's views (Belarus, Russia, and UAE)
January 16, 2018	Commerce's final antidumping duty determinations (South Africa and Ukraine) (83 FR 2135, 2141)
January 30, 2018	Commission's supplemental scheduling for wire rod from South Africa and Ukraine (83 FR 5144, February 5, 2018)
February 16, 2018	Commission's vote (South Africa and Ukraine)
March 1, 2018	Commission's views (South Africa and Ukraine)
March 28, 2018	Commerce's final affirmative determinations of sales at less than fair value of carbon and alloy steel wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom, and Commerce's final affirmative determinations regarding countervailable subsidies by the governments of Italy and Turkey (83 FR 13228-13254)
March 28, 2018	Commission's supplemental scheduling for wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom (83 FR 16381, April 16, 2018)
May 1, 2018	Commission's vote (Italy, Korea, Spain, Turkey, and the United Kingdom)
May 11, 2018	Commission's views (Italy, Korea, Spain, Turkey, and the United Kingdom)

The information contained in this report is intended to be used in conjunction with data presented in the Commission's report on *Carbon and Certain Alloy Steel Wire Rod from Belarus, Russia, and the United Arab Emirates: Investigation Nos. 731-TA-1349, 1352, and 1357 (Final),* USITC Publication 4752, January 2018, and its corresponding confidential version contained in memorandum No. INV-PP-161, *Carbon and Certain Alloy Steel Wire Rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, the United Arab Emirates, and the United Kingdom, Investigation Nos. 701-TA-573-574 and 731-TA-1349-1358 (Final).* No new information except for Commerce's final determinations concerning wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom and party comments³ thereon is included in the record for this proceeding.

NATURE AND EXTENT OF SUBSIDIES AND SALES AT LTFV

Subsidies

On March 28, 2018, Commerce published notices in the *Federal Register* of its final determinations of countervailable subsidies for producers and exporters of product from Turkey and Italy. The determinations are summarized in Tables I-1 and I-2.

Table I-1
Wire rod: Commerce's subsidy determination with respect to imports from Turkey

	Countervailable subsidy margin
Entity	(percent)
Habas Sinai Ve Tibbi Gazlar Istih ("Habas")	3.86
Icdas Celik Eberji Tersane Ve Ulasim San ("Icdas")	3.81
All others	3.84

Commerce determined the following programs in Turkey to be countervailable:

- Natural Gas for Less than Adequate Remuneration
- Deductions from Taxable Income for Export Revenue
- Rediscount Program
- Minimum Wage Support
- AD/CVD Offset Program

Source: 83 FR 13239, March 28, 2018, and referenced issues and decision memorandum, March 19, 2018.

³ Party comments were filed on behalf of Nucor; Keystone and Charter; POSCO; British Steel; and the Turkish Producers and Exporters.

Table I-2
Wire rod: Commerce's subsidy determination with respect to imports from Italy

Entity	Countervailable subsidy margin (percent)
Ferriere Nord S.p.A.	4.16
Ferriera Valsider S.p.A.	44.18
All others	4.16
Commerce determined the following programs in Ital • Exemptions from General Electricity	

- Energy Interruptibility Contracts
- Electricity Purchases Under the Interconnector Program
- Reductions on Excise Taxes for Purchases of Electricity

Source: 83 FR 13242, March 28, 2018 and referenced issues and decision memorandum, March 19, 2018.

Sales at LTFV

On March 28, 2018, Commerce published notices in the *Federal Register* of its final determinations of sales at LTFV with respect to imports from Italy, Korea, Spain, Turkey, and the United Kingdom. The determinations are summarized in table I-3.

Table I-3
Wire rod: Commerce's weighted-average LTFV margins with respect to imports from Italy, Korea, Spain, Turkey, and the United Kingdom

Entity	Dumping margin (percent)
Italy	
Ferriere Nord S.p.A./Acciaierie di Verona S.p.A.	12.41
Ferriera Valsider S.p.A.	18.89
All Others	12.41
Korea	
POSCO	41.10
All others	41.10
Spain	
Global Steel Wire/ CELSA Atlantic SA/ Compania Espanola de Laminacion	11.08
ArcelorMittal Espana S.A	32.64
All others	11.08
Turkey	
Habas Sinai Ve Tibbi Gazlar Istih ("Habas")	4.74
Icdas Celik Eberji Tersane Ve Ulasim San ("Icdas")	7.94
All others	6.34
United Kingdom	
British Steel Limited	147.63
Longs Steel UK Limited	147.63
All others	147.63

Source: 83 FR 13230; 83 FR 13228; 83 FR 13233; 83 FR 13249; and 83 FR 13252, March 28, 2018.

CRITICAL CIRCUMSTANCES

On March 28, 2018, Commerce issued affirmative determinations that "critical circumstances" exist⁴ with respect to its countervailing duty investigation on wire rod from Turkey (Habas and all other producers/exports in Turkey) and its antidumping duty investigations on wire rod from Spain (ArcelorMittal Espana S.A.) and the United Kingdom (all producers/exporters). Tables I-4, I-5, and I-6 present monthly data on U.S. imports for the specified suppliers. In these investigations, if both Commerce and the Commission make affirmative final critical circumstances determinations, certain subject imports may be subject to antidumping duties retroactive by 90 days from the effective dates of Commerce's preliminary affirmative determinations.

Table I-4

Wire rod: U.S. imports from Turkey subject to Commerce's CVD critical circumstance findings, October 2016 through September 2017

* * * * * * *

Table I-5

Wire rod: U.S. imports from Spain subject to Commerce's AD critical circumstance findings, October 2016 through September 2017

* * * * * * *

⁴ When petitioners file timely allegations of critical circumstances, Commerce examines whether there is a reasonable basis to believe or suspect that (1) either there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at LTFV and that there was likely to be material injury by reason of such sales; and (2) there have been massive imports of the subject merchandise over a relatively short period.

Table I-6
Wire rod: U.S. imports from United Kingdom subject to Commerce's AD critical circumstance findings, October 2016 through September 2017

Period	Actual monthly quantity (short tons)	Outwardly cumulative subtotals (short tons)	Percentage change from comparable period (percent) ¹
2016			
October	5,117	14,368	
November	747	9,251	
December	263	8,503	
2017			
January	2,902	8,240	
February	226	5,338	
March	5,112	5,112	
Petition file date: March 28, 2017.			
April	6,476	6,476	26.7
May	8,508	14,984	180.7
June	1,517	16,501	100.3
July	6,370	22,871	169.0
August	4,333	27,204	194.1
September	811	28,015	95.0

¹ The percentage increase or (decrease) over the comparable pre-petition period.

Note.--Imports from the United Kingdom subject to Commerce's final AD critical circumstance findings relate to imports from all firms. See 83 FR 13252, March 28, 2018.

Note.—By the end of September 2017, U.S. importers' inventories of wire rod from the United Kingdom (regardless of source) were *** short tons, compared to *** short tons at the end of September 2016.

Source: Proprietary Customs records using HTS statistical reporting numbers 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035, accessed December 4, 2017

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 16232, April 3, 2017	Carbon and Certain Alloy Steel Wire Rod From Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and United Kingdom; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations	https://www.gpo.gov/fdsys/pkg/FR-2017- 04-03/pdf/2017-06457.pdf
82 FR 19207, April 26, 2017	Carbon and Alloy Steel Wire Rod From Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, United Arab Emirates, and United Kingdom: Initiation of Less- Than-Fair-Value Investigations	https://www.gpo.gov/fdsys/pkg/FR-2017- 04-26/pdf/2017-08397.pdf
82 FR 19213, April 26, 2017	Carbon and Alloy Steel Wire Rod From Italy and Turkey: Initiation of Countervailing Duty Investigations	https://www.gpo.gov/fdsys/pkg/FR-2017- 04-26/pdf/2017-08212.pdf
82 FR 22846, May 18, 2017	Carbon and Certain Alloy Steel Wire Rod From Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and the United Kingdom; Determinations	https://www.gpo.gov/fdsys/pkg/FR-2017- 05-18/pdf/2017-10010.pdf
82 FR 39564, August 21, 2017	Carbon and Alloy Steel Wire Rod From Italy, the Republic of Korea, the Republic of South Africa, Spain, the Republic of Turkey, Ukraine and the United Kingdom: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations	https://www.gpo.gov/fdsys/pkg/FR-2017- 08-21/pdf/2017-17620.pdf
82 FR 41929, September 5, 2017	Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical Circumstances Determination, in Part	https://www.gpo.gov/fdsys/pkg/FR-2017- 09-05/pdf/2017-18640.pdf
82 FR 41931, September 5, 2017	Carbon and Alloy Steel Wire Rod From Italy: Preliminary Affirmative Countervailing Duty Determination	https://www.gpo.gov/fdsys/pkg/FR-2017- 09-05/pdf/2017-18641.pdf
82 FR 42794, September 12, 2017	Certain Carbon and Alloy Steel Wire Rod From the Russian Federation and the United Arab Emirates: Affirmative Preliminary Determinations of Sales at Less Than Fair Value, and Affirmative Preliminary Determination of Critical Circumstances for Imports of Certain Carbon and Alloy Steel Wire Rod From the Russian Federation	https://www.gpo.gov/fdsys/pkg/FR-2017- 09-12/pdf/2017-19289.pdf
82 FR 42796, September 12, 2017	Carbon and Alloy Steel Wire Rod From Belarus: Preliminary Affirmative Determination of Sales at Less Than Fair Value	https://www.gpo.gov/fdsys/pkg/FR-2017- 09-12/pdf/2017-19286.pdf
82 FR 43516, September 18, 2017	Carbon and Alloy Steel Wire Rod From Italy and Turkey: Alignment of Final Countervailing Duty Determinations With Final Antidumping Duty Determinations	https://www.gpo.gov/fdsys/pkg/FR-2017- 09-18/pdf/2017-19774.pdf

82 FR 50381, October 31, 2017	Carbon and Alloy Steel Wire Rod From Italy: Preliminary Affirmative Determination of Sales at Less than Fair Value	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23645.pdf		
82 FR 50389, October 31, 2017	Carbon and Alloy Steel Wire Rod From Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Determination of Critical Circumstances, in Part	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23650.pdf		
82 FR 50386, October 31, 2017	Carbon and Alloy Steel Wire Rod From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23646.pdf		
82 FR 50383, October 31, 2017	Carbon and Alloy Steel Wire Rod From the Republic of South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, and Preliminary Determination of No Shipments	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23649.pdf		
82 FR 50394, October 31, 2017	Carbon and Alloy Steel Wire Rod From the United Kingdom: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23651.pdf		
82 FR 50377, October 31, 2017	Carbon and Alloy Steel Wire Rod From Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23647.pdf		
82 FR 50375, October 31, 2017	Carbon and Alloy Steel Wire Rod From Ukraine: Preliminary Affirmative Determination of Sales at Less Than Fair Value	https://www.gpo.gov/fdsys/pkg/FR-2017- 10-31/pdf/2017-23648.pdf		
82 FR 56220, November 28, 2017	Carbon and Alloy Steel Wire Rod From the Republic of Korea: Amended Preliminary Determination of Sales at Less Than Fair Value	https://www.gpo.gov/fdsys/pkg/FR-2017- 11-28/pdf/2017-25658.pdf		
82 FR 56214, November 28, 2017	Certain Carbon and Alloy Steel Wire Rod From Belarus, the Russian Federation, and the United Arab Emirates: Affirmative Final Determinations of Sales at Less Than Fair Value and Partial Affirmative Finding of Critical Circumstances	https://www.gpo.gov/fdsys/pkg/FR-2017- 11-28/pdf/2017-25659.pdf		
83 FR 2141 January 16, 2018	Carbon and Alloy Steel Wire Rod From the Republic of South Africa: Affirmative Final Determination of Sales at Less Than Fair Value and Affirmative Finding of Critical Circumstances	https://www.gpo.gov/fdsys/pkg/FR-2018- 01-16/pdf/2018-00572.pdf		
83 FR 2135 January 16, 2018	Carbon and Alloy Steel Wire Rod From Ukraine: Affirmative Final Determination of Sales at Less Than Fair Value	https://www.gpo.gov/fdsys/pkg/FR-2018- 01-16/pdf/2018-00571.pdf		
83 FR 2670 January 18, 2018	Carbon and Certain Alloy Steel Wire Rod From Belarus, Russia, and the United Arab Emirates	https://www.gpo.gov/fdsys/pkg/FR-2018- 01-18/pdf/2018-00737.pdf		
83 FR 5144 Carbon and Certain Alloy Steel Wire Rod From South Africa and Ukraine; Supplemental Schedule for the Subject Investigations		https://www.gpo.gov/fdsys/pkg/FR-2018- 02-05/pdf/2018-02233.pdf		

83 FR 9749 March 7, 2018	Carbon and Certain Alloy Steel Wire Rod From South Africa and Ukraine	https://www.federalregister.gov/docume nts/2018/03/07/2018-04585/carbon-and- certain-alloy-steel-wire-rod-from-south- africa-and-ukraine		
83 FR 13242 March 28, 2018	Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod From Italy: Final Affirmative Determination	https://www.federalregister.gov/docume nts/2018/03/28/2018- 06133/countervailing-duty-investigation- of-carbon-and-alloy-steel-wire-rod-from- italy-final-affirmative		
83 FR 13239 March 28, 2018	Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part	https://www.federalregister.gov/docume nts/2018/03/28/2018-06137/carbon-and- alloy-steel-wire-rod-from-the-republic-of- turkey-final-affirmative-countervailing- duty		
83 FR 13249 March 28, 2018	Carbon and Alloy Steel Wire Rod From Turkey: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances	https://www.federalregister.gov/docume nts/2018/03/28/2018-06136/carbon-and- alloy-steel-wire-rod-from-turkey-final- determination-of-sales-at-less-than-fair- value-and		
83 FR 13252 March 28, 2018	Carbon and Alloy Steel Wire Rod From the United Kingdom: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances	https://www.federalregister.gov/docume nts/2018/03/28/2018-06144/carbon-and- alloy-steel-wire-rod-from-the-united- kingdom-final-affirmative-determination- of-sales-at		
83 FR 13228 March 28, 2018	Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances	https://www.federalregister.gov/docume nts/2018/03/28/2018-06143/carbon-and- alloy-steel-wire-rod-from-the-republic-of- korea-final-affirmative-determination-of- sales		
83 FR 13230 March 28, 2018	Carbon and Alloy Steel Wire Rod From Italy: Final Determination of Sales at Less Than Fair Value	https://www.federalregister.gov/docume nts/2018/03/28/2018-06134/carbon-and- alloy-steel-wire-rod-from-italy-final- determination-of-sales-at-less-than-fair- value		
83 FR 13233 March 28, 2018	Carbon and Alloy Steel Wire Rod From Spain: Final Determination of Sales at Less Than Fair Value, and Final Determination of Critical Circumstances, in Part	https://www.federalregister.gov/docume nts/2018/03/28/2018-06147/carbon-and- alloy-steel-wire-rod-from-spain-final- determination-of-sales-at-less-than-fair- value-and		
83 FR 16381 April 16, 2018	Carbon and Certain Alloy Steel Wire Rod From Italy, Korea, Spain, Turkey, and the United Kingdom; Supplemental Schedule for the Subject Investigations	https://www.federalregister.gov/docume nts/2018/04/16/2018-07890/carbon-and- certain-alloy-steel-wire-rod-from-italy- korea-spain-turkey-and-the-united- kingdom		