



31.1.2019

NOTICE TO MEMBERS

Subject: Petition No 0611/2018 by Ismael Sánchez Castillo (Spanish), on behalf of “Comité Provincial PCE Sevilla”, on a US duty for ripe olives from Spain

1. Summary of petition

The petitioner states that the United States Department of Commerce has adopted final determinations in the countervailing duty (CVD) investigation of imports of ripe olives from Spain. According to the petitioner, these CVD orders are already in place for an amount of 34, 75% of the product. This surplus will be charged to U.S. consumers when buying ripe olives imported from Spain. The petitioner argues that these new duties will cause the loss of the U.S. olive market for Spain. The petitioner points out that, due to the fact that the U.S. government keeps on saying that Common Agricultural Policy (CAP) subsidies received by ripe olive farmers are against the World Trade Organization rules, this could be a precedent for any other country competing with EU products receiving CAP subsidies to act as the U. S. is acting on this issue.

2. Admissibility

Declared admissible on 8 November 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 January 2019

The final anti-dumping and countervailing duties on imports of Spanish ripe olives have been in force since August 2018. They were imposed after the United States International Trade Commission determined in July 2018 that imports of Spanish ripe olives had caused material injury to the United States domestic industry.

The Commission is very disappointed with the unjustifiably high duties, which were imposed on Spanish producers of ripe olives despite the Commission’s numerous and well-founded

interventions.

Of particular concern to the Commission are the anti-subsidy measures. Those measures were based on several questionable methodologies, which the United States applied in order to countervail the EU Common Agricultural Policy (CAP) support schemes, which the Commission considers non-trade distorting and non-specific under the rules of the World Trade Organization.

As the petitioner rightly observed, the flawed United States methodologies applied in its trade defence investigation against Spanish ripe olives have systemic implications for EU CAP support schemes.

Conclusions

Given the above, on 29 January 2019, the EU requested World Trade Organization consultations with the United States concerning the countervailing and anti-dumping duties imposed on ripe olives from Spain.