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NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Anti-subsidy and anti-dumping proceeding opened by the United States authorities against the importation of black table olives from Spain - Information from the Spanish delegation

Delegations will find in the Annex an information note from the Spanish delegation on the above subject to be presented under "Any other business" at the Council (Agriculture and Fisheries) on 9 October 2017.

PROCEDURE USA ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS ON RIPE OLIVES FROM SPAIN

On July 13, the US Department of Commerce (DOC) announced the opening of antidumping and countervailing duty investigations in relation to imports of ripe olives from Spain.

On 7 August, the DOC transferred to the responsible Spanish authorities (Secretary of State for Trade):

- Companies that will be investigated (mandatory respondents), for which comprehensive information is requested, along with those companies affiliated with them (cross-owned companies). These are 3 companies.
- A questionnaire to be completed by each of these companies and their affiliates
- A questionnaire to be completed by the Government of Spain, which includes 6 blocks corresponding to 6 schemes under investigation: first pillar aids (Basic Payment, Greening, Youth), Second Pillar (Aid for rural development), Aid to Producer Organizations and aids under the Spanish Agricultural Insurance Scheme, as well as an open section on aids of any other kind received by the companies.

DOC also sent a specific questionnaire to be completed by the European Commission, although many questions coincide with or complement the questionnaire sent to Spain.

The questionnaires have been delivered completed within the deadline, which ended on 18 September. As a sample of the volume of information, the reply to the questionnaire is a 240-page document (translated into English), accompanied by additional documentation (also translated) composed of more than 80 documents, also mostly translated into English. Additionally, the three mandatory respondents are still completing the information requested for more than 30 of their affiliates companies.

Lastly, on 22 September, the European Commissioners for Trade (Ms Cecilia Malmström) and for Agriculture (Mr Phil Hogan) sent a joint letter to the Secretaries of State of Commerce (Mr Ross) and Agriculture (Perdue) from the USA. The letter is firm in its defense of the non-distorting character of green box aid and reminds to the American authorities the widespread use of these kind of support in their country.

From the Government of Spain, we want to share with the European Commission and other Member States our great concern about the impact that this case might have on the CAP:

- CAP direct payments are decoupled from production and therefore, according to the methodology of the WTO are green box support then not countervailable.
- It is essential to respect the rules mutually agreed by WTO members on the non-distorting character of green box measures. All our effort to shift the CAP towards decouple support has been based on those rules.
