



DEPARTMENT OF COMMERCE

International Trade Administration

[A-469-822]

Methionine from Spain: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of methionine from Spain are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation July 1, 2019, through June 30, 2020. Further, Commerce determines that critical circumstances exist for the sole mandatory respondent Adisseo España S.A. (Adisseo España) and for all other producers and exporters.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Elizabeth Bremer, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4987.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 2021, Commerce published in the *Federal Register* the preliminary affirmative determination in the LTFV investigation of methionine from Spain, in which we also postponed the final determination until July 19, 2021.<sup>1</sup> Commerce invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since

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<sup>1</sup> See *Methionine from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination and Extension of Provisional Measures*, 86 FR 12614 (March 4, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

Commerce published the *Preliminary Determination*, may be found in the Issues and Decision Memorandum.<sup>2</sup>

### Scope of the Investigation

The product covered by this investigation is methionine from Spain. For a complete description of the scope of this investigation, *see* Appendix I.

### Scope Comments

During the course of this investigation, Commerce received no scope comments from interested parties. Therefore, Commerce is not modifying the scope language as it appeared in the *Preliminary Determination*. *See* Appendix I for the final scope of the investigation.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn>.

### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of

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<sup>2</sup> *See* Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Methionine from Spain," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup>

#### Changes Since *Preliminary Determination*

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to the margin calculations with respect to Adisseo España, the sole mandatory respondent in this investigation. In light of these changes to the margin calculations and the resulting revised estimated weighted average dumping margin for Adisseo Espana, we have also revised the all-others rate. For a discussion of these changes, *see* the Issues and Decision Memorandum.

#### Final Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily determined that critical circumstances did not exist for Adisseo España or for all others.<sup>4</sup> Commerce did not receive any comments in response to its preliminary determination with respect to critical circumstances. However, for this final determination, Commerce determines that critical circumstances exist, within the meaning of section 735(a)(3) of the Act and 19 CFR 351.206, for imports of methionine from Spain exported and/or produced by Adisseo España and imports of methionine from Spain produced and/or exported by all other companies. For a full description of methodology and results of Commerce's final affirmative critical circumstances analyses, *see* Issues and Decision Memorandum.

#### Product Characteristics

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<sup>3</sup> *See* Commerce's Letter, "Remote Verification Questionnaire for Adisseo España," dated March 29, 2021; *see also* Adisseo España's Letter, "Antidumping Investigation of Methionine from Spain: Response to the Department's Remote Verification Questionnaire," dated April 6, 2021.

<sup>4</sup> For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* Preliminary Determination Memorandum at 4.

Commerce preliminary identified three criteria for the physical characteristics of the subject merchandise: (1) type; (2) form; and (3) concentration level of methionine content.<sup>5</sup> For this final determination, we made no changes to physical characteristics in our analysis. However, because Commerce made a change with respect to packaging characteristics in the final determination of *Methionine from Japan*,<sup>6</sup> if Commerce were to issue an antidumping duty order in this case, we expect to reexamine this issue during the first administrative review conducted in this proceeding.

#### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce calculated an individual estimated weighted-average dumping margin for the sole mandatory respondent, Adisseo España. Therefore, for the purposes of determining the all-others rate, and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for Adisseo España, which is not zero, *de minimis*, or determined entirely under

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<sup>5</sup> See Commerce's Letter, "Product Characteristics for Use in Sections B and C Questionnaire Responses of Methionine from Spain," dated September 25, 2020; see also *Preliminary Determination PDM* at 12.

<sup>6</sup> See *Methionine from Japan: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances (Methionine from Japan)*, and the accompanying Issues and Decision Memorandum at Comment 6.

section 776 of the Act. For a full description of the methodology underlying Commerce's analysis, *see* the Issues and Decision Memorandum.

#### Final Determination

Pursuant to section 735 of the Act, the final estimated weighted-average dumping margins are as follows:

<b>Exporter and/or Producer</b>	<b>Estimated Weighted-Average Dumping Margin (percent)</b>
Adisseo España S.A.	37.53
All Others	37.53

#### Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of methionine from Spain, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after March 4, 2021, the date of publication in the *Federal Register* of the affirmative *Preliminary Determination*.

Section 735(c)(4) of the Act provides that if there is an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. As noted above, Commerce finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Adisseo España and by all other producers and

exporters. Therefore, in accordance with section 735(c)(4) of the Act, suspension of liquidation shall continue to apply to unliquidated entries of subject merchandise produced and/or exported by Adisseo España and by all other producers and exporters that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date of publication of the *Preliminary Determination* in the *Federal Register*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

These suspension of liquidation instructions will remain in effect until further notice.

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of methionine from Spain no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all

imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

#### Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: July 19, 2021.

Christian Marsh,  
Acting Assistant Secretary  
for Enforcement and Compliance.

## Appendix I

### Scope of the Investigation

The merchandise covered by this investigation is methionine and dl-Hydroxy analogue of dl-methionine, also known as 2-Hydroxy 4-(Methylthio) Butanoic acid (HMTBa), regardless of purity, particle size, grade, or physical form. Methionine has the chemical formula  $C_5H_{11}NO_2S$ , liquid HMTBa has the chemical formula  $C_5H_{10}O_3S$ , and dry HMTBa has the chemical formula  $(C_5H_9O_3S)_2Ca$ .

Subject merchandise also includes methionine processed in a third country including, but not limited to, refining, converting from liquid to dry or dry to liquid form, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope methionine or dl-Hydroxy analogue of dl-methionine.

The scope also includes methionine that is commingled (*i.e.*, mixed or combined) with methionine from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from this investigation is United States Pharmacopoeia (USP) grade methionine. In order to qualify for this exclusion, USP grade methionine must meet or exceed all of the chemical, purity, performance, and labeling requirements of the United States Pharmacopoeia and the National Formulary for USP grade methionine.

Methionine is currently classified under subheadings 2930.40.00.00 and 2930.90.46.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Methionine has the Chemical Abstracts Service (CAS) registry numbers 583-91-5, 4857-44-7, 59-51-8 and 922-50-9. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.



## Appendix II

### List of Sections in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes since the *Preliminary Determination*
- IV. Final Affirmative Determination of Critical Circumstances
- V. Discussion of the Issues:
  - a. Comment 1: Whether to Grant a Constructed Export Price Offset
  - b. Comment 2: Whether Certain Sales are Outside the Normal Course of Trade
  - c. Comment 3: Whether to Recalculate Indirect Selling Expenses (ISE)
  - d. Comment 4: Whether to Apply Adverse Facts Available (AFA) on Certain U.S. Sales Fields
- VI. Recommendation

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