



DEPARTMENT OF COMMERCE

International Trade Administration

[A-469-817]

Ripe Olives from Spain: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the
antidumping duty order on ripe olives from Spain would be likely to lead to continuation or
recurrence of dumping at the levels indicated in the “Final Results of Expedited Sunset Review”
section of this notice.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, AD/AD Operations, Office I,
Enforcement and Compliance, International Trade Administration, U.S. Department of
Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1785.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2023, Commerce published in the *Federal Register* the *Order* on ripe olives
from Spain.¹ On July 3, 2023, Commerce published in the *Federal Register* the *Initiation Notice* of
the first sunset review of *Order* on ripe olives from Spain pursuant to section 751(c) of the Tariff
Act of 1930, as amended (the Act).²

On July 10, 2023, we received a timely notice to participate in this sunset review from
Musco Family Olive Company (Musco), a domestic interested party, pursuant to 19 CFR

¹ See *Ripe Olives from Spain: Antidumping Duty Order*, 83 FR 37465 (August 1, 2018), as corrected in *Ripe Olives
from Spain: Notice of Correction to Antidumping Duty Order*, 83 FR 39691 (August 10, 2018) (collectively, *Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 42688 (July 3, 2023) (*Initiation Notice*).

351.218(d)(1)(i).³ Musco claimed interested party status under section 771(9)(C) of the Act as a manufacturer of a domestic like product in the United States. On August 2, 2023, Musco provided a complete substantive response for this review within the 30-day deadline specified in 19 CFR 351.2218(d)(3)(i).⁴ Commerce did not receive substantive responses from any other interested parties, and no party requested a hearing.

On August 22, 2023, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from other interested parties.⁵ As a result, in accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited, *i.e.*, 120-day, sunset review of the *Order*.

Scope of the *Order*

The products covered by the *Order* are certain processed olives, usually referred to as “ripe olives.” The subject merchandise includes all colors of olives; all shapes and sizes of olives, whether pitted or not pitted, and whether whole, sliced, chopped, minced, wedged, broken, or otherwise reduced in size; all types of packaging, whether for consumer (retail) or institutional (food service) sale, and whether canned or packaged in glass, metal, plastic, multilayered airtight containers (including pouches), or otherwise; and all manners of preparation and preservation, whether low acid or acidified, stuffed or not stuffed, with or without flavoring and/or saline solution, and including in ambient, refrigerated, or frozen conditions. For a full description of the scope of the *Order*, *see* the Issues and Decision Memorandum.⁶

Analysis of the Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file

³ *See* Musco’s Letter, “Notice of Intent to Participate,” dated July 10, 2023.

⁴ *See* Musco’s Letter, “Response to Notice of Initiation,” dated August 2, 2023.

⁵ *See* Commerce’s Letter, “Sunset Reviews for July 2023,” dated August 22, 2023.

⁶ *See* Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Antidumping Duty Order on Ripe Olives from Spain,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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 <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Expedited Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margins of dumping likely to prevail would be at rates up to 25.50 percent.

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: October 30, 2023.

Lisa W. Wang,
Assistant Secretary
for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Dumping Margins Likely to Prevail
- VII. Final Results of Expedited Sunset Review
- VIII. Recommendation

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