

FOREIGN PRODUCERS'/EXPORTERS' QUESTIONNAIRE

RIPE OLIVES FROM SPAIN

This questionnaire must be received by the Commission by **March 15, 2018**

See last page for filing instructions.

The information called for in this questionnaire is for use by the United States International Trade Commission in connection with its countervailing duty and antidumping investigations concerning ripe olives from Spain (Inv. Nos. 701-TA-582 and 731-TA-1377 (Final)). The information requested in the questionnaire is requested under the authority of the Tariff Act of 1930, title VII.

<p>Name of firm _____</p> <p>Address _____</p> <p>Website _____</p> <p>Has your firm produced or exported ripe olives (as defined on next page) at any time since January 1, 2015?</p> <p><input type="checkbox"/> NO (Sign the certification below and promptly return only this page of the questionnaire to the Commission)</p> <p><input type="checkbox"/> YES (Complete all parts of the questionnaire, and return the entire questionnaire to the Commission)</p> <p>Return questionnaire via the Commission <i>Drop Box</i> by clicking on the following link: https://dropbox.usitc.gov/oinv/. (PIN: RIPE)</p>

CERTIFICATION

I certify that the information herein supplied in response to this questionnaire is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to audit and verification by the Commission. By means of this certification I also grant consent for the Commission, and its employees and contract personnel, to use the information provided in this questionnaire and throughout this proceeding in any other import-injury proceedings conducted by the Commission on the same or similar merchandise.

I, the undersigned, acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceedings may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. I understand that all contract personnel will sign appropriate nondisclosure agreements

Name of Authorized Official

Title of Authorized Official

Date

Signature

Phone:

Fax:

Email address

PART I.—GENERAL INFORMATION

Background. --This proceeding was instituted in response to a petition instituted on June 22, 2017, by the Coalition for Fair Trade in Ripe Olives, consisting of Bell-Carter Foods, Walnut Creek, CA, and Musco Family Olive Company, Tracy, CA. Countervailing and/or antidumping duties may be assessed on the subject imports as a result of these proceedings if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce (“Commerce”) makes an affirmative determination of subsidization and/or dumping. Questionnaires and other information pertinent to this proceeding are available at https://usitc.gov/investigations/701731/2017/ripe_olives_spain/final.htm.

Ripe olives covered by these investigations 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, multi-layered 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.

Included are all ripe olives grown, processed in whole or in part, or packaged in Spain. Subject merchandise includes ripe olives that have been further processed in Spain or a third country, including but not limited to curing, fermenting, rinsing, oxidizing, pitting, slicing, chopping, segmenting, wedging, stuffing, packaging, or heat treating, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in Spain.

Excluded from the scope are: (1) Specialty olives¹ (including “Spanish-style,” “Sicilian-Style,” and other similar olives) that have been processed by fermentation only, or by being cured in an alkaline solution for not longer than 12 hours and subsequently fermented; and (2) provisionally prepared olives unsuitable for immediate consumption (currently classifiable in subheading 0711.20 of the Harmonized Tariff Schedule of the United States (HTSUS)).

¹ Some of the major types of specialty olives and their curing methods are:

“Spanish-style” green olives. Spanish-style green olives have a mildly salty, slightly bitter taste, and are usually pitted and stuffed. This style of olive is primarily produced in Spain and can be made from various olive varieties. Most are stuffed with pimento; other popular stuffings are jalapeno, garlic, and cheese. The raw olives that are used to produce Spanish-style green olives are picked while they are unripe, after which they are submerged in an alkaline solution for typically less than a day to partially remove their bitterness, rinsed, and fermented in a strong salt brine, giving them their characteristic flavor.

“Sicilian-style” green olives. Sicilian-style olives are large, firm green olives with a natural bitter and savory flavor. This style of olive is produced in small quantities in the United States using a Sevillano variety of olive and harvested green with a firm texture. Sicilian-style olives are processed using a brine-cured method, and undergo a full fermentation in a salt and lactic acid brine for 4 to 9 months. These olives may be sold whole unpitted, pitted, or stuffed.

“Kalamata” olives: Kalamata olives are slightly curved in shape, tender in texture, and purple in color, and have a rich natural tangy and savory flavor. This style of olive is produced in Greece using a Kalamata variety olive. The olives are harvested after they are fully ripened on the tree, and typically use a brine-cured fermentation method over 4 to 9 months in a salt brine.

Other specialty olives in a full range of colors, sizes, and origins, typically fermented in a salt brine for 3 months or more.

The merchandise subject to these investigations is currently classifiable under subheadings 2005.70.0230, 2005.70.0260, 2005.70.0430, 2005.70.0460, 2005.70.5030, 2005.70.5060, 2005.70.6020, 2005.70.6030, 2005.70.6050, 2005.70.6060, 2005.70.6070, 2005.70.7000, 2005.70.7510, 2005.70.7515, 2005.70.7520, and 2005.70.7525 HTSUS.

Subject merchandise may also be imported under subheadings 2005.70.0600, 2005.70.0800, 2005.70.1200, 2005.70.1600, 2005.70.1800, 2005.70.2300, 2005.70.2510, 2005.70.2520, 2005.70.2530, 2005.70.2540, 2005.70.2550, 2005.70.2560, 2005.70.9100, 2005.70.9300, and 2005.70.9700. Although HTSUS subheadings are provided for convenience and US Customs purposes, they do not define the scope of the investigations; rather, the written description of the subject merchandise is dispositive.

Reporting of information.-- If information is not readily available from your records, provide carefully prepared estimates. If your firm is completing more than one questionnaire (i.e., a producer, importer, purchaser and/or foreign producer questionnaire), you need not respond to duplicated questions.

Confidentiality.--The commercial and financial data furnished in response to this questionnaire that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (*see* 19 U.S.C. §1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, general characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--The information submitted in this questionnaire is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all files, worksheets, and supporting documents used in the preparation of the questionnaire response. Please also retain a copy of the final document that you submit.

Release of information.--The information provided by your firm in response to this questionnaire, as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this proceeding or other import-injury proceedings conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

Valid number error messages.--If you are completing this form in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 rather than \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete this form. Detailed instructions on how to resolve this issue are provided at the end of this questionnaire and are available upon request from Jordan Harriman (202-205-2610, jordan.harriman@usitc.gov).

- I-1. **OMB statistics.**--Please report below the actual number of hours required and the cost to your firm of completing this questionnaire.

Hours	Dollars

The questions in this questionnaire have been reviewed with market participants to ensure that issues of concern are adequately addressed and that data requests are sufficient, meaningful, and as limited as possible. Public reporting burden for this questionnaire is estimated to average 20 hours per response, including the time for reviewing instructions, gathering data, and completing and reviewing the questionnaire.

We welcome comments regarding the accuracy of this burden estimate, suggestions for reducing the burden, and any suggestions for improving this questionnaire. Please attach such comments to your response or send to the Office of Investigations, USITC, 500 E St. SW, Washington, DC 20436.

- I-2. **Establishments covered.**--Provide the name and address of establishment(s) covered by this questionnaire. If your firm is publicly traded, please specify the stock exchange and trading symbol.

"Establishment"-- Each facility of a firm in Spain involved in the production or export of ripe olives, including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities. Firms operating more than one establishment in Spain should combine the data for all establishments into a single report.

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- I-3. **Related producers.**--Does your firm or any related firm produce, have the capability to produce, or have any plans to produce ripe olives in the United States or other countries?

No Yes--Please name the firm(s) and country(ies) below and, if U.S. producer(s), ensure that they complete the Commission's producer questionnaire.

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I-4. **Related U.S. importers.**--Does your firm or any related firm import or have any plans to import ripe olives into the United States?

- No Yes--Please name the firm(s) below and ensure that they complete the Commission's importer questionnaire.

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I-5. **U.S. importers.**--Please provide the names, street addresses (not P.O. boxes), contacts, telephone numbers, and e-mail addresses of the **FIVE** largest U.S. importers of your firm's ripe olives in 2017.

	Importer's name	Contact person	Email	Telephone	Share of your firm's 2017 U.S. exports (%)
1					
2					
3					
4					
5					

PART II.--TRADE AND RELATED INFORMATION

Further information on this part of the questionnaire can be obtained from Jordan Harriman (202-205-2610, jordan.harriman@usitc.gov). **Supply all data requested on a calendar-year basis.**

II-1. **Contact information.**-- Please identify the responsible individual and the manner by which Commission staff may contact that individual regarding the confidential information submitted in part II.

Name	
Title	
Email	
Telephone	
Fax	

II-2. **Changes in operations.**--Please indicate whether your firm has experienced any of the following changes in relation to the production of ripe olives since January 1, 2015.

<i>(check as many as appropriate)</i>		<i>(If checked, please describe; leave blank if not applicable)</i>
<input type="checkbox"/>	plant openings	
<input type="checkbox"/>	plant closings	
<input type="checkbox"/>	relocations	
<input type="checkbox"/>	expansions	
<input type="checkbox"/>	acquisitions	
<input type="checkbox"/>	consolidations	
<input type="checkbox"/>	prolonged shutdowns or production curtailments	
<input type="checkbox"/>	changes in weather conditions (e.g., droughts)	
<input type="checkbox"/>	revised labor agreements	
<input type="checkbox"/>	other (e.g., technology)	

II-3. **Anticipated changes in operations.**--Does your firm anticipate any changes in the character of its operations or organization (as noted above) relating to the production of ripe olives in the future?

No

Yes--Supply details as to the time, nature, and significance of such changes and provide underlying assumptions, along with relevant portions of business plans or other supporting documentation that address this issue. **Include in the response a specific projection of your firm's capacity to produce ripe olives (in short tons, drained weight) for 2018 and 2019.**

II-4a. **Production using same machinery.**-- Please report your firm's production of products made on the same equipment and machinery used to produce ripe olives, and the combined production capacity on this shared equipment and machinery.

"Overall production capacity" or "capacity" --The level of production that your establishment(s) could reasonably have expected to attain during the specified periods for all products manufactured in that establishment using the same manufacturing equipment. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup).

Note.--If your firm does not produce any out-of-scope merchandise on the same machinery and equipment as scope merchandise (i.e., you have reported no data for "out-of-scope merchandise" in this question) then the "overall production capacity" numbers reported in this question should be exactly equal to the "average production capacity" numbers reported in question II-7. If, however, your firm does produce out-of-scope merchandise using the same machinery and equipment as scope merchandise (i.e., you have reported data for "out-of-scope merchandise" in this question), then the "average production capacity" reported in question II-7 should exclude the portion of "overall production capacity" that was used to produce this out-of-scope merchandise (i.e., "average production capacity" in question II-7 should be smaller than "overall production capacity" in this question).

"Production" --All production in your establishment(s) in Spain, including production consumed internally within your firm.

II-4a. **Production using same machinery.**--*Continued*

Quantity (in short tons, drained weight)			
Item	Calendar years		
	2015	2016	2017
Overall production capacity			
Production of: Ripe olives ¹	0	0	0
Out-of-scope merchandise: Sicilian-style, Spanish-style, or other similar olives that have been processed by being both fermented and briefly cured in an alkaline solution			
Other products ²			
Subtotal, out-of-scope merchandise	0	0	0
Total	0	0	0
¹ Data entered for production of ripe olives will populate here once reported in question II-11. ² Please identify these other products: _____.			

II-4b. **Operating parameters.**--The production capacity reported in II-4a is based on operating _____ hours per week, _____ weeks per year.

II-4c. **Capacity calculation.**--Please describe the methodology used to calculate overall production capacity reported in II-4a, and explain any changes in reported capacity.

II-4d. **Production constraints.**--Please describe the constraint(s) that set the limit(s) on your firm's production capacity.

II-4e. **Product shifting.**—

(i). Is your firm able to switch production (capacity) between ripe olives and other products using the same equipment and/or labor?

No	Yes	If yes—(i.e., have produced other products or are able to produce other products) Please identify other actual or potential products:
<input type="checkbox"/>	<input type="checkbox"/>	

(ii). Please describe the factors that affect your firm's ability to shift production capacity between products (e.g., time, cost, relative price change, etc.), and the degree to which these factors enhance or constrain such shifts.

II-5. **Share of sales.**--What percentage of your firm's total sales in its most recent fiscal year was represented by sales of ripe olives? _____ percent.

II-6. **Firm's estimated share of production in Spain.**--Please estimate the percentage of total production of ripe olives in the country specified on the certification page accounted for by your firm's production in 2017. _____ percent.

II-7. **Firm's estimated share of country's exports.**--Please estimate the percentage of total exports to the United States of ripe olives from the country specified on the certification page accounted for by your firm's exports in 2017. _____ percent.

II-8. **Third country trade actions.**--Is the ripe olives exported by your firm subject to antidumping/countervailing duty/safeguard findings, remedies, or proceedings?

No Yes--List the products(s), countries affected, and the date of such findings/remedies/proceedings.

II-9a. **Growth cycle.**--Since January 1, 2015 has the availability of table olives grown in Spain for use in processing by your firm been cyclical due to the two-year growth cycle of olives trees?

No	Yes	If yes—In aggregate what have been years of peak production / what have been the years of low production years since January 1, 2015
<input type="checkbox"/>	<input type="checkbox"/>	

II-9b. **Efforts by firm to manage cyclical.**--Given the cyclical nature of olive production, what steps has your firm taken to manage this cyclical nature (e.g., alternative sources of supply / storage of inventories of processed olives in peak year for sales in non-peak years / et cetera)?

II-10. **Ripe olive production by olive size.**--Please report your firm's shares of ripe olives production by olive size in 2017.

Olive size	Share of 2017 production
Small	%
Medium	%
Large	%
Extra Large	%
Jumbo	%
Colossal	%
Super Colossal	%
Total (should sum to 100.0%)	0.0 %

- II-11. **Trade data.**--Report your firm's production capacity, production, shipments, and inventories related to the production of ripe olives in your establishment(s) in Spain during the specified periods. Do not include resales of ripe olives that your firm did not produce in this question; those data to the degree they are exported to the United States should only be reported in question II-12.

Do not submit data by manufacturing facility if they are in the same country. If your firm has multiple manufacturing establishments within one country, you are required to combine data for those establishments within one foreign producer questionnaire response.

Do not submit data on multiple countries combined. The establishments reported here should all be located in the country of the firm's address reported on the certification page. Multinational companies with production in multiple subject countries should submit separate foreign producer questionnaire responses for each subject country.

"Average production capacity" or "capacity" --The level of production that your establishment(s) could reasonably have expected to attain during the specified periods for all products manufactured in that establishment using the same manufacturing equipment. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

"Production" --All production in your establishment(s) in Spain, including production consumed internally within your firm.

"Shipments" --Shipments of products produced in your establishment(s) in Spain. Quantities reported should be net of returns.

"Home market commercial shipments"--Shipments, other than internal consumption and transfers to related firms, within Spain.

"Home market internal consumption/transfers to related firms"--Shipments made to related firms in Spain, including product consumed internally by your firm.

"Export shipments"--Shipments to destinations outside of the country indicated on page 1 (Spain), including shipments to related firms.

"Inventories"— Finished goods inventory (i.e. packaged or bulk product ready for sale to customers), not raw materials or work-in-progress.

Note: As requested in Part I of this questionnaire, please keep all supporting documents/records used in the preparation of the trade data, as Commission staff may contact your firm regarding questions on the trade data. The Commission may also request that your company submit copies of the supporting documents/records (such as production and sales schedules, inventory records, etc.) used to compile these data.

II-11. **Trade data.**--Continued.

Item	Quantity (in short tons, drained weight)				
	Actual experience			Projections ¹	
	Calendar year				
	2015	2016	2017	2018	2019
Average production capacity ² (A)					
Beginning-of-period inventories (B)					
Production (C)					
Home market shipments: Internal consumption/ transfers (D)					
Commercial shipments (E)					
Exports to the United States (F)					
Exports to all other markets ³ (G)					
Total exports (H) (should equal F+G)	0	0	0	0	0
Total shipments (I) (should equal D+E+F+G)	0	0	0	0	0
End-of-period inventories ⁴ (J)					

¹ Please explain the basis for your firm's projections. _____.

² The production capacity reported is based on operating _____ hours per week, _____ weeks per year. Please describe the methodology used to calculate production capacity, and explain any changes in reported capacity. _____.

³ Identify principal other export markets. _____.

⁴ Inventories reported in this row should be only finished goods inventory, not raw materials or work-in-progress.

RECONCILIATION OF SHIPMENTS, PRODUCTION, AND INVENTORY.--Generally, the data reported for the end-of-period inventories (i.e., line J) should be equal to the beginning-of-period inventories (i.e., line B), plus production (i.e., line C), less total shipments (i.e., lines D, E, F, and G). Please ensure that any differences are not due to data entry errors in completing this form, but rather actually reflect your firm's records; and also provide any likely explanations for any differences (e.g., theft, loss, damage, record systems issues, etc.) if they exist.

Reconciliation	Actual experience			Projections ¹	
	Calendar year				
	2015	2016	2017	2018	2019
B + C – D – E – F – G – J = should equal zero ("0") or provide an explanation. ¹	0	0	0	0	0
¹ Explanation if the calculated fields above are returning values other than zero (i.e., "0") but are nonetheless accurate. _____					

II-12. **Exports to the United States not produced by your firm.**--Report your firm's exports to the United States of ripe olives that was produced in Spain but not by your firm during the specified periods. Note these data should **not** be included in question II-11.

Quantity (in short tons, drained weight)					
Item	Actual experience			Projections¹	
	Calendar year				
	2015	2016	2017	2018	2019
Exports of ripe olives to the United States not produced by your firm ¹					
¹ List the producer(s). _____.					

II-13. **Other explanations.**--If your firm would like to further explain a response to a question in Part II that did not provide a narrative box, please note the question number and the explanation in the space provided below. Please also use this space to highlight any issues your firm had in providing the data in this section, including but not limited to technical issues with the MS Word questionnaire.

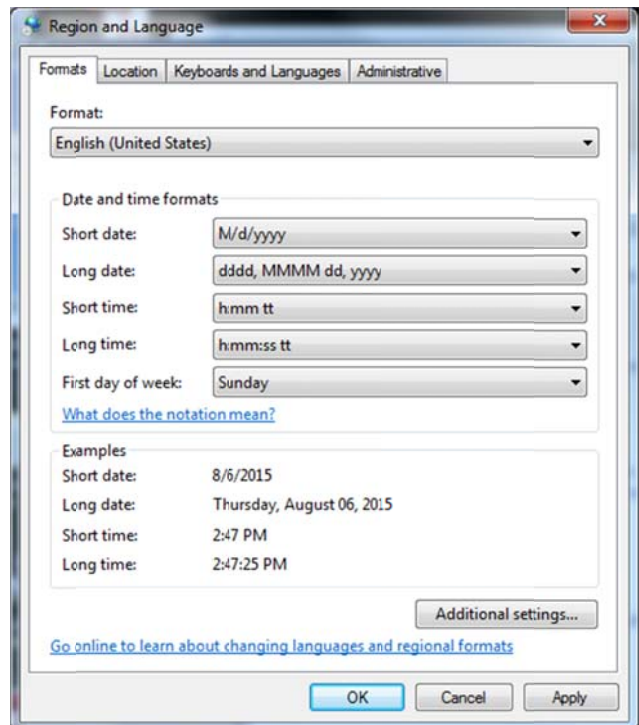
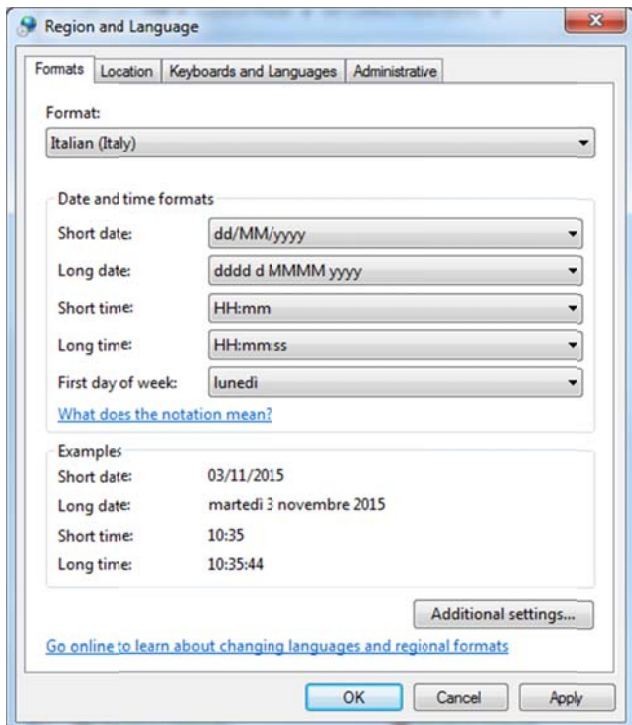
Correcting Valid number error messages.--If you are completing a Commission questionnaire in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 instead of as \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. This issues stem from your computer number formatting setting (e.g., not the MS Word document itself, but the computer from which you are opening up the document). In the United States commas (,) delineate multiples of 1000 and periods (.) delineate fractions less than one. Many EU countries use the reverse where multiples of 1000 are delineated with periods (.) and fractions less than one are delineated with commas (,). The US International Trade Commission's questionnaires are set-up in the United States with the U.S. number formatting. When this formatting interacts with a computer set to EU number formatting, we believe this may cause this issue.

The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete the questionnaire.

To temporarily change your computer's number settings to U.S. settings, please do the following (for Microsoft Windows Operating system):

- START
- Control Panel
- Region and Language (under Clock, Language, and Region category)
- Format tab
- Change the Format from your existing one (e.g. "Italian (Italy)") to "English (United States)" (see screen shots below)

When you do this the number "twelve million dollars and thirty five cents" would change from \$12.000.000,35 (Italy format) to \$12,000,000.35 (U.S. format), and then there will be no conflict with the USITC foreign producer questionnaire form. When you finish reporting the data then you can close the questionnaire and switch back to Italy settings.



HOW TO FILE YOUR QUESTIONNAIRE RESPONSE

This questionnaire is available as a “fillable” form in MS Word format on the Commission’s website at:

https://usitc.gov/investigations/701731/2017/ripe_olives_spain/final.htm

Please do not attempt to modify the format or permissions of the questionnaire document. Please submit the completed questionnaire using one of the methods noted below. If your firm is unable to complete the MS Word questionnaire or cannot use one of the electronic methods of submission, please contact the Commission for further instructions.

- **Upload via Secure Drop Box.**—Upload the MS Word questionnaire along with a scanned copy of the signed certification page (page 1) through the Commission’s secure upload facility:

Web address: <https://dropbox.usitc.gov/oinv/> **Pin:** **RIPE**

- **E-mail.**—E-mail your questionnaire to jordan.harriman@usitc.gov; include a scanned copy of the signed certification page (page 1). *Submitters are strongly encouraged to encrypt nonpublic documents that are electronically transmitted to the Commission to protect your sensitive information from unauthorized disclosure. The USITC secure drop-box system and the Electronic Document Information System (EDIS) use Federal Information Processing Standards (FIPS) 140-2 cryptographic algorithms to encrypt data in transit. Submitting your nonpublic documents by a means that does not use these encryption algorithms (such as by email) may subject your firm’s nonpublic information to unauthorized disclosure during transmission. If you choose a non-encrypted method of electronic transmission, the Commission warns you that the risk of such possible unauthorized disclosure is assumed by you and not by the Commission.*

If your firm did not produce or export this product, please fill out page 1, print, sign, and submit a scanned copy to the Commission.

Parties to this proceeding.—If your firm is a party to this proceeding, you are required to serve a copy of the completed questionnaire on parties to the proceeding that are subject to administrative protective order (*see* 19 CFR § 207.7). A list of such parties may be obtained from the Commission’s Secretary (202-205-1803). A certificate of service must accompany the completed questionnaire you submit (*see* 19 CFR § 207.7). Service of the questionnaire must be made in paper form.