

***UNITED STATES – ANTI-DUMPING AND COUNTERVAILING DUTIES
ON RIPE OLIVES FROM SPAIN
(DS577)***

**CLOSING STATEMENT OF THE UNITED STATES OF AMERICA
AT THE PANEL’S SECOND VIDEOCONFERENCE WITH THE PARTIES**

February 4, 2021

1. First, let me say that we are disappointed to hear such pejorative language as we have just heard.
2. Such tactics are unproductive and unfortunate.
3. We regret that the parties have not had the chance to meet in person so as to have had a better opportunity to reach a positive solution to their dispute.
4. With respect to the information requested in Panel Question 40, we have provided this additional information in response to the Panel's request, and while it supports the U.S. arguments with respect to injury, we – *like the EU* – do not consider this additional information necessary to the resolution of the dispute.
5. We also note that one of the domestic producers is now a Spanish company – and therefore the EU has access, or could obtain access, to the underlying Business Confidential Information itself.
6. Now let me return to the remainder of our closing statement.
7. Mr. Chairperson, Members of the Panel:
8. At this point, the points of disagreement have been set forth in several rounds of submissions, including the opening statements read yesterday. From the questions you have asked, it is evident that you have closely studied the arguments in our submissions. Given that, we will not repeat the arguments we have already made.
9. This dispute requires the interpretation of important provisions of the GATT 1994, the SCM Agreement, and the AD Agreement, including a careful analysis of the content and scope

of the rights and obligations to which WTO Members have agreed. We are confident that when the Panel interprets the terms of the covered agreements in good faith in accordance with the ordinary meaning to be given to the relevant provisions in their context and in the light of the agreements' object and purpose, the Panel will agree with the proposed interpretations that the United States has advanced. It will find that the EU's proposed interpretations are divorced from the text of the covered agreements and entirely inconsistent with the interpretative analysis required by the customary rules of interpretation. Furthermore, the Panel will find that the EU has failed to show that the determinations of the USDOC and the USITC were not ones that an objective and unbiased investigating authority could have made.

10. In short, as we have demonstrated, for all of its claims – with respect to *de jure* specificity, pass-through of benefit, injury, and the methodology used to calculate Guadalquivir's benefit – the EU has failed to make its case as a matter of law and with respect to the facts. Accordingly, we respectfully request that the Panel reject the EU's claims.

11. This concludes our closing statement. We thank you again for your attention.