AS0067 – Anti-subsidy investigation concerning hydrotreated vegetable oil (HVO) from the United States of America

Comments on the status of certain submissions in response to the Note of 9 June 2026 made by new parties to AS0067

Diamond Green Diesel LLC & Valero Energy Ltd

30 June 2026

1. For the reasons outlined below, Diamond Green Diesel LLC ("**DGD**") and Valero Energy Ltd ("**VEL**") strongly object to the comments submitted by certain entities in the present case in response to the TRA's findings presented in the Note of 9 June 2026 ("**June Note**").[1] On 18 June 2026, the TRA made available in the public file the submissions commenting on the June Note, including from the European Biodiesel Board ("**EBB**"), two unidentified EU HVO producers, FABRA UK, and Stagecoach (collectively, the "**New Parties**").

2. DGD and VEL request the TRA to reject and disregard the comments made by the New Parties in response to the June Note pursuant to regulation 48(1) and regulation 47(2) of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 ("**2019 Regulations**").

3. The New Parties did not register their interest in the investigation during the registration period ended 1 April 2025, which contravenes the 2019 Regulations' rules governing the use of information in the TRA's investigations.

   (a) Regulation 47(2) of the 2019 Regulations limits the information from secondary sources that the TRA can consider to "information supplied to it by an applicant UK industry, an interested party, a contributor or any other person from whom it has requested information". In the context of the Economic Interest Test ("**EIT**"), the TRA's guidance specifies that only "interested parties and contributors may provide additional submissions which are relevant to the EIT."[2]

   (b) Upon the initiation of the investigation on 17 March 2025, the TRA – pursuant to Regulation 54(1) of the 2019 Regulations – set a registration period for interested parties and any other person to make themselves known from 17 March 2025 to 1 April 2025 ("**registration period**").[3]

   (c) On the basis of the information available in the Public File, none of the New Parties have registered to participate in the present case within the registration period. This is confirmed by the Statement of Essential Facts ("**SEF**") published on 28 November 2025, which lists only the following interested parties and contributors registered to this investigation: [4]

      - **UK Producers**: Argent Energy (UK) Limited (Argent); Olleco; Greenergy Fuels Limited (Greenergy)
      - **Overseas Exporters**: Diamond Green Diesel LLC (DGD); St Bernard Renewables LLC (SBR); Phillips 66 Company (P66)

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1 Available here.
2 Available here.
3 Available here.
4 Available here, p. 10-11.

- **Importers**: ESL Fuels Limited; Phillips 66 Limited; Valero Energy Limited; Crown Oil Limited; Certas Energy UK Limited
- **UK trade bodies**: Renewable Transport Fuel Association (the applicant) (RTFA); UK & Ireland Fuel Distributors Association Limited (UKIFDA); UK Oil Industry Tax Committee (UKOITC)
- **Foreign Governments**: Office of the US Trade Representative (USTR); US Embassy to London
- **Contributors**: Shell Trading Rotterdam BV; Kolmar Group AG; Neste Corporation; Mitchell and Webber Limited

(d) Therefore, failing to register within the registration period, the New Parties do not fall within any of the categories that, under regulation 47(2) of the 2019 Regulations, may submit information to the TRA.

4. The New Parties failed to justify: (i) the significance of the information; and that (ii) the information would not impede the progress of investigation in contravention of regulation 48(1) of the 2019 Regulations.

(a) **The late information submitted by the New Parties is not appropriate**

(i) The New Parties have not provided any justification as required under regulation 48(2)(b) of the 2019 Regulations as to why the TRA should accept their registration and information submitted outside of the applicable time limits, or demonstrate why it could not have been provided earlier. Absent such a proof, the TRA should not give any effect to their submissions.

(ii) The significance and value of the information submitted by the New Parties is immaterial for the TRA to accept it. Further, none of the submissions made by the New Parties include any arguments not previously shared with the TRA at the earlier stages of the proceedings.

(iii) None of the New Parties satisfies the conditions to qualify as an "interested party" or a "contributor" in the investigations.[5] This alone is sufficient to determine that the requirement under regulation 48(2)(b) of the 2019 Regulations is not met.

(iv) None of the New Parties registered their interest in the present case within the registration period.

(v) To recall, the New Parties consist of:

- Two unnamed EU HVO producers[6]
- EBB, an association representing EU producers of biofuels[7]

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[5] According to the TRA's Guidance (available here), "*Interested parties in an investigation include: a government of the foreign country or territory subject to the investigation (in a safeguard investigation: any foreign government); an overseas exporter, an overseas producer or an importer of the goods concerned; a UK producer of the like goods (in a safeguard investigation: a UK producer of the like goods or directly competitive goods); a trade or business association representing one or many of these parties. A contributor is a person or organisation who is not an interested party but who has contacted us so that they can participate in an investigation, e.g. by contributing to hearings or submitting supplementary information.*"

[6] Available here and here.

[7] Available here.

- FABRA UK, an association representing the UK animal by-products processing industry[8]
- Stagecoach, a UK bus and coach operator[9]

(vi) Despite multiple clear opportunities to become involved – including the initiation of the case on 12 March 2025[10] (over 15 months ago), publication of the SEF on 28 November 2025[11] (over 7 months ago), or publication of the TRA's intention to issue a final negative determination on 12 March 2026[12] (over 3 months ago) – none of the New Parties indicated their interest in the present case, sought participant status, or submitted information to the TRA.

(vii) Against this backdrop, the New Parties' recent submissions appear designed not to assist the TRA or provide it with material information on the EIT, but to unnecessarily burden the already cumbersome and lengthy investigation. The fact that three out of five of the New Parties represent the EU biofuels industry and appear to have ***<u>no nexus</u>*** to the UK seriously questions their genuine economic interest ***<u>of the UK</u>*** HVO market.

(b) **Accepting new comments would significantly impede the progress of the investigation**

(i) The present case has already suffered several severe delays. It was originally intended to be concluded in March 2026,[13] but was delayed to May 2026.[14] Following the TRA's publication of the June Note, the date of the intended final recommendation was further delayed to September 2026.[15]

(ii) Already at this stage, the TRA's current case timeline anticipates the conclusion of the case 18 months from its initiation, which is the legal limit of the duration of anti-subsidy cases under Article 11.11 of the WTO Agreement on Subsidies and Countervailing Measures ("**SCM Agreement**").

(iii) Article 11.11 of the SCM Agreement provides that "*investigations shall, except in special circumstances, be concluded within one year, and in no case more than 18 months, after their initiation.*" The strict nature of this limit was underscored in the *Mexico – Olive Oil* Panel report, which explained that:

"*We consider that <u>the requirement set out in Article 11.11 is clear and unequivocal</u>. This provision starts with a general rule – that investigations must be concluded within one year — and then provides for a limited, conditional exception. […] We see no basis in this provision (nor authority*

8 Available here.
9 Available here.
10 Available here.
11 Available here.
12 Available here.
13 Case timeline of 17 March 2025, available here.
14 Case timeline of 12 March 2026, available here.
15 Case timeline of 9 June 2026, available here.

in any other part of the SCM Agreement) to prolong an investigation beyond 18 months for any reason".[16]

(iv) AS0067 is already proceeding under the extended timeline reserved under the SCM Agreement for "*special circumstances*". It is, therefore, imperative to conclude the case as soon as possible.

(v) Acceptance of the registration and comments of the New Parties at this late stage of the investigation, where the New Parties argue for the full reversal of the TRA's most recent assessment, would significantly impede the progress of the investigation and risk violating Article 11.11 of the SCM Agreement.

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[16] Panel Report, *Mexico – Definitive Countervailing Measures on Olive Oil from the European Communities*, WT/DS341/R, adopted 21 October 2008, paras. 7.120-7.123.