



# Trade Remedies Authority

## Anti-dumping and Subsidy Investigations:

### Application form

**Request for an expiry review of the anti-dumping and anti-subsidy measures applicable on imports of biodiesel originating in the United States of America**

**Non-Confidential Version**

**29 October 2025**

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When you have completed this form, indicate the **confidentiality** of this document by placing an X in the relevant box below:

Confidential

**Non-Confidential** – will be made publicly available

Please note that you will have to provide **two copies of your response** – a **Confidential** and a **Non-Confidential version**. Both copies should be returned to the TRA using the Trade Remedies Service ([www.trade-remedies.service.gov.uk](http://www.trade-remedies.service.gov.uk)).

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## Instructions

### About us

The Trade Remedies Authority (TRA) is an arm length body of the UK's Department for Business and Trade. It carries out trade remedies investigations to find out if a new trade measure may be needed to counter dumped or subsidised imports or a sudden surge in imports.

The legislative framework that the TRA operates under is found in the [Taxation \(Cross-border Trade\) Act 2018](#) ('the Act') and the [Trade Remedies \(Dumping and Subsidisation\) \(EU Exit\) Regulations 2019](#) ('the Regulations').

### About you

You can apply to us to open an investigation if you are a UK producer of goods or a representative of a UK producer and you have evidence of unfair trade practices relating to the dumping or subsidy of goods imported into the UK.

You must provide sufficient evidence of dumped or subsidised goods being imported in the UK and that the dumped or subsidised imports have caused or are causing injury to the UK industry (in compliance with the Act)

You can find out more about our remit and how we work by reading our guidance on [trade remedies investigations](#).

### About this form

Complete this form and the relevant annexes if you want to apply for a new anti-dumping or subsidy investigation. This form will give us the information we need to decide whether to initiate an investigation into your concerns. You can find more information on how we [assess applications](#) in our guidance.

You must submit your application online through the Trade Remedies Service (<https://www.trade-remedies.service.gov.uk>). When you submit your application, you must also submit a non-confidential version (including the annexes) which doesn't contain any data you think is sensitive (for instance, commercial data about your company), as we are required to publish a copy of the application form. You can find out more about [what can be considered confidential and how to prepare a non-confidential version of your documents](#) in our guidance.

If you are considering submitting an application and would like to discuss it with someone first, please email [contact@traderemedies.gov.uk](mailto:contact@traderemedies.gov.uk). You can find more on completing this application in our [Pre-Application Office](#) and [application assessment](#) guidance.



If you have any issues or queries about using the Trade Remedies Service, please email [help@traderemedies.gov.uk](mailto:help@traderemedies.gov.uk).

## What happens next

Once you have completed this application form you can share a confidential version with the Pre-Application Office to get feedback before you formally submit your application. When you formally submit your application, you will need to submit a confidential and a non-confidential version of this form. Please upload these through our Trade Remedies Service at [www.trade-remedies.service.gov.uk](http://www.trade-remedies.service.gov.uk).

Once you have done this:

- you will receive an email confirming the documents have been uploaded successfully;
- the assessor(s) of your application will contact you if further information is required; and
- the assessor(s) of your application may contact you to arrange a visit to verify the information contained in your responses.

## How to complete this application form

Please read and follow all the instructions carefully. You will need to provide evidence to support your concerns. You may need to attach supporting documents in appendices to supplement the answers you give.

Please also note the following points:

- Try to avoid leaving any questions blank. If the question isn't relevant to you, please try to explain why.
- If the answer to a question is "zero", "no", "none" or "not applicable", please write this rather than leaving the answer blank.
- If you feel you can't present the information as requested, please contact the Pre-Application Office by emailing [contact@traderemedies.gov.uk](mailto:contact@traderemedies.gov.uk).
- If there is not enough space in any part of the application form to provide a full answer, please attach appendices. Please ensure that any attachments are given a corresponding appendix reference in the title of the document and that these are referenced in the boxes provided.
- If you include any documents not in English, please provide an English translation.
- Provide all dates in the format DD/MM/YYYY (e.g. 23/05/2019).



- For all numerical figures, where appropriate please express every third number with a comma (e.g. '1,300' for one-thousand three hundred, '1,300,000' for one million and three-hundred thousand).
- Limit all sales/currency/income figures to two decimal places and use the appropriate currency symbol (e.g. £1,300.00).
- All figures should be reported net of tax unless otherwise stated.
- For definitions of the incoterms used throughout this document, please visit the [International Chamber of Commerce](#).



## Section A: About The Goods

This section of the application form is about the imported goods you want us to investigate. These imported goods will be referred simply to as ‘the goods’.

You can only ask us to investigate imported goods if you (or the industry you represent) produce ‘like goods’. Like goods are defined as goods which are similar to the goods under investigation in all respects or have characteristics which closely resemble them. When we decide what are like goods, we will consider the following non-exhaustive list of criteria:

- physical likeness, such as physical characteristics
- commercial likeness, including competition and distribution channels
- functional likeness, such as end-use or if the goods can be substituted for each other
- similarities in production, such as method and inputs
- other relevant characteristics

### The Imported Goods

1. Describe the imported goods you are concerned about (if possible, please attach digital versions of images, brochures, catalogues, etc which show the goods in question).

1. The product concerned in this Application is the same as that defined by the TRA in its transition review of anti-dumping and countervailable measures applicable to biodiesel originating in the United States of America (the “US” or “USA”) and consigned from Canada<sup>1</sup>, as follows:

**Category 1 Goods (biodiesel, pure or blend, greater than 20% biodiesel content)**

Fatty-acid mono-alkyl esters (FAME) and/or paraffinic gasoil obtained from synthesis of non-fossil origin, commonly known as ‘biodiesel’. In a pure form or in a blend containing by weight more than 20%, fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis of non-fossil origin, originating in the United States of America and consigned from Canada.

<sup>1</sup> See TRA, Recommendation to the Secretary of State, TD0004, 10 November 2022, page 123, Recital (491); TRA, Recommendation to the Secretary of State, TS0005, 10 November 2022, page 93, Recital (478).



AND

**Category 2 Goods (biodiesel, blend, less than 20% biodiesel content)**

Fatty-acid mono-alkyl esters or paraffinic gasoil obtained from synthesis or hydrotreatment, of non-fossil origin, commonly known as 'biodiesel', in a blend containing by weight 20% or less of fatty-acid mono-alkyl esters or paraffinic gasoil obtained from synthesis or hydro-treatment, of non-fossil origin, originating in the United States of America

2. As per TRA's final determination dated 10 November 2022 and subsequent Trade Remedies Notice 2022/08, the scope of imposition of the anti-dumping duties on biodiesel imports from the USA, as extended to imports consigned from Canada, was reduced to exclude "*paraffinic gasoil obtained from hydro-treatment, of non-fossil origin*" (HVO biodiesel) originating in the USA.
3. The product scope consists of biodiesel made from various feedstocks and at different blend levels. The product concerned is manufactured through the esterification/transesterification process (the reaction of an alcohol with acid), together with other reagents, such as methanol, which produces glycerol as a by-product.
4. Biodiesel is a renewable fuel produced from a wide range of raw materials, i.e., vegetable oils such as rapeseed oil, palm oil, or soybean oil, or used cooking oils ("UCO"), animal fats, and other waste fats, oils or greases. The product concerned belongs to the category of "Fatty Acid Methyl Ester" (FAME).
5. The term "fatty acid" refers to the fact that vegetable oils contain a varying proportion of saturated, monounsaturated, and polyunsaturated fatty acids. The term "esters" refers to the transesterification of vegetable oils, namely, the mingling of vegetable and/or animal oils or fats with alcohol, which produces biodiesel and, as a by-product, glycerine. The term "methyl" refers to methanol, the most commonly used alcohol in the process, although ethanol can also be used in the process, resulting in "fatty acid ethyl esters" (FAEE). Although the transesterification process is a relatively simple chemical reaction, it is particularly difficult to conduct it properly, which calls for the highest industrial standards to ensure the quality of biodiesel.
6. Biodiesel is mainly used in the transport sector. It is generally blended with mineral diesel (i.e., petroleum/conventional diesel, represented by a number (referring to the percentage blend) following the letter B, i.e., B5, B20, B100) or used in its pure form (B100).



7. Biodiesel is intended for diesel engines. When blended with mineral diesel up to a certain limited level, no modification of conventional diesel engines is required. However, modifications of conventional engines (seals, piping, heating equipment) are required to use B100 (100% pure biodiesel) as fuel. The use of biodiesel blended with diesel up to 7% as a transport fuel does not require any modification in the distribution system, therefore avoiding expensive infrastructure changes.

8. In view of its main technical specifications, biodiesel is a very desirable fuel. Compared to mineral diesel, biodiesel presents specific features, namely:

- It performs better than mineral diesel because of higher oxygen content and higher cetane number, which guarantees better fuel combustion, reduces consumption, and prolongs the lifetime of the engine; it also provides a good indication of the level of particulate emissions;
- It increases lubricity and can contribute to longer fuel injector life (by avoiding wear in the engine);
- It is almost free of sulphur;
- It contains fewer aromatic hydrocarbons;
- It has a low vapour pressure;
- It is a better solvent than diesel (cleans the engine);
- It is classified as a non-toxic product (level 1 for water toxicity);
- It is biodegradable within 28 days;
- It has a high ignition point and is thus easier to store from a safety perspective;
- It contains fewer polycyclic aromatic hydrocarbons than conventional diesel; and
- It significantly reduces CO<sub>2</sub> emissions.

Appendix reference: [N/A](#)

2. Explain where the imported goods you are concerned about are being exported from.

1. The imported goods originate in the US and may also be consigned from Canada, whether or not declared as originating in Canada.

Appendix reference: [N/A](#)

3. Provide the tariff classification(s) for the imported goods.

1. US biodiesel which is subject to anti-dumping and countervailing duties is imported into the UK under the following UK Global Tariff (UKGT) commodity codes:



- 38 26 00 10 20
- 38 26 00 10 29
- 38 26 00 10 50
- 38 26 00 10 59
- 38 26 00 10 89
- 38 26 00 10 99

2. US biodiesel subject to anti-dumping and countervailing duties is also imported into the UK under the following UK Global Tariff (UKGT) commodity codes, but is separated from HVO (excluded from the scope of the anti-dumping and countervailing duties) also imported under these codes by use of additional codes:

Codes beginning with 15:

- 15 16 20 98 21
- 15 16 20 98 29
- 15 16 20 98 30
- 15 18 00 91 21
- 15 18 00 91 29
- 15 18 00 91 30
- 15 18 00 99 21
- 15 18 00 99 29
- 15 18 00 99 30

Codes beginning with 27:

- 27 10 20 11 21
- 27 10 20 11 29
- 27 10 20 11 30
- 27 10 20 16 21
- 27 10 20 16 29
- 27 10 20 16 30

Codes beginning with 38:

- 38 24 99 92 10
- 38 24 99 92 12
- 38 24 99 92 20
- 38 26 00 90 11
- 38 26 00 90 19
- 38 26 00 90 30

3. To separate HVO from other types of biodiesel, the following code is added to the declaration when importing HVO under the above commodity codes:



Additional code	Name	Country
8C00	AD CVD HVO	USA and Canada

4.

Appendix reference: N/A

4. Give details regarding whether the imported goods are currently subject to any anti-dumping/countervailing/safeguard measures or ongoing investigations in other countries.

1. US biodiesel is subject to several anti-dumping and countervailing measures imposed by third countries:

- a) **The European Union:** Imports of biodiesel originating in the USA into the Union are subject to definitive anti-dumping duties and countervailing duties since 10 July 2009. On 11 May 2011, the European Commission also extended these measures to (i) imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and (ii) imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the USA. These anti-dumping and countervailing measures were reconducted on 15 September 2015 and on 2 August 2021, following expiry review investigations. The anti-dumping and countervailing measures apply to imports from the USA of all types of biodiesel, including FAME, HVO and sustainable aviation fuel (SAF)<sup>2</sup>.
- b) **Peru:** Imports of biodiesel originating in the USA into Peru have been subject to definitive anti-dumping duties since 25 June 2010. These duties apply to imports of pure biodiesel (B100) and blends. The Peruvian National Institute for the Defence of Competition and the Protection of Intellectual Property (INDECOPi in Spanish) reconducted these AD measure on 14 December 2016 and on 25 December 2020. On 21 January 2025, INDECOPi initiated an expiry review to determine if this anti-dumping duty should be extended. The investigation is ongoing.

<sup>2</sup> See Commission Implementing Regulation (EU) 2025/1861 of 12 September 2025 correcting Commission Implementing Regulation (EU) 2021/1266 imposing a definitive antidumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council, OJ L 2025/1861, 15.9.2025.



Appendix reference:

Appendix A.1 – EU Regulations imposing AD and CVD measures on biodiesel imports from the USA

Appendix A.2 – Peruvian Regulations imposing AD measures on biodiesel imports from the USA

## The Like Goods

1. Describe the like goods produced by the UK industry (if possible, attach digital versions of images, brochures, catalogues, etc).

1. Paragraph 7(1) of Schedule 4 of the Act provides that “*like goods*” are “*goods which are like those goods in all respects*” or, if they are not “*alike in all respects*”, goods that “*have characteristics closely resembling those of the goods in question*”.

2. Biodiesel can be produced from a large range of feedstocks. In the UK, biodiesel is primarily made from used cooking oil (UCO), tallow, fats, oils, and greases (FOG). Like imported goods, biodiesel produced by the UK industry is used in the transport sector as standalone fuel or to be blended with mineral diesel.

3. The UK’s renewable transport fuel obligation was launched by the Department for Transport in 2008. Under the RTFO Order, fuel suppliers have an obligation to blend a proportion of biofuel into fuel supplied for use in road vehicles and non-road mobile machinery. The aim of this policy is to reduce the Greenhouse Gas emissions from road transport to support wider sustainability objectives for the UK.

4. There are two main markets that biodiesel is sold into:

- B7 market – fuel with up to 7% biodiesel blended into diesel by volume, which meets the requirements of the UK diesel standard EN590. B7 is the blend that is sold into the market to be sold to the public at forecourts.
- Higher blend markets – B20, B30, B100, etc. Blends of higher percentages of biodiesel (or indeed pure 100% biodiesel) which are typically sold to commercial fleets.

5. The produced biodiesel (B100, pure biodiesel) has the following properties:



- A near zero sulphur content;
- A high cetane number (higher than conventional diesel);
- A low level of polycyclic aromatic hydrocarbons (PAHs) content.

Appendix reference:

Appendix A.3 – LowCVP and CENEX -  
The Renewable Fuels Guide – 2020

Appendix A.4 – Olleco – Production  
Process

## Comparability between the Goods

1. Explain how the like goods produced by the UK industry are like the imported goods. Please cover the following aspects of the goods.

The physical, technical, chemical and any other characteristics that describe the goods – explain any differences:

1. Biodiesel produced in the UK is a like good to biodiesel produced in the US and imported in the UK. Both products share similar physical, technical, chemical basic characteristics.

2. Since the transition review conducted by TRA, there have been no significant changes in the production process of the product concerned which could lead to a different conclusion today.

3. Depending on the resources available in each country or region, biodiesel is made from different primary raw materials. Biodiesel produced in the US is primarily made from soybean oil (known as soy methyl ester - SME), although other types of raw materials are also used, depending on the intended end-market. In the UK, biodiesel is primarily made from UCO, although other feedstocks can be used as well.

4. While there may be differences in the chemical properties of biodiesel due to the feedstocks used, these do not affect their similarities and end-usage. Thus, biodiesel exported from the US and sold in the UK is interchangeable with biodiesel manufactured in the UK and directly compete with each other.



5. Biodiesel produced in the UK and biodiesel imported from the US and sold in the UK are used for the same purpose: as standalone fuel or blended with mineral diesel and mainly used in transportation.
6. Retail end consumers do not perceive the differences between different types of biodiesels. In fact, biodiesel is mixed with diesel at the pump without separate labelling. The retail customer is not aware of the feedstock used in the production of biodiesel but merely requires a product that meets the UK standard.
7. In addition, biodiesel produced in the UK and biodiesel imported from the UK are sold to customers in the UK market via similar sales channels.
8. Accordingly, biodiesel imports from the US into the UK and biodiesel produced in the UK are like goods: they compete in the same market, can substitute each other, and are sold through similar distribution channels.

Appendix reference: N/A

2. If the goods can be subdivided into separate models – provide details about each of the models, such as their product literature and technical documentation:

1. The goods concerned are subdivided into the following two categories:  
  
**Category 1 goods (biodiesel, pure or blend, greater than 20% biodiesel content)**  
Fatty-acid mono-alkyl esters (FAME) and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as biodiesel. In a pure form or in a blend containing by weight more than 20%, fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America and consigned from Canada.  
  
AND  
  
**Category 2 goods (biodiesel, blend, less than 20% biodiesel content)**  
Fatty-acid mono-alkyl esters or paraffinic gasoil obtained from synthesis or hydrotreatment, of non-fossil origin, commonly known as 'biodiesel', in a blend containing by weight 20% or less of fatty-acid mono-alkyl esters or paraffinic



gasoil obtained from synthesis or hydro-treatment, of non-fossil origin, originating in the United States of America.

2. The difference between the two above categories lies in the percentage of biodiesel in the blend.

Appendix reference: [N/A](#)

3. Give the tariff classification of the goods (customs commodity code) – if there are multiple models, provide the customs commodity code for each model:

1. US biodiesel which is subject to anti-dumping and countervailing duties is imported into the UK under the following UK Global Tariff (UKGT) commodity codes:

- 38 26 00 10 20
- 38 26 00 10 29
- 38 26 00 10 50
- 38 26 00 10 59
- 38 26 00 10 89
- 38 26 00 10 99

2. US biodiesel subject to anti-dumping and countervailing duties is also imported into the UK under the following UK Global Tariff (UKGT) commodity codes, but is separated from HVO (excluded from the scope of the anti-dumping and countervailing duties) also imported under these codes by use of additional codes:

Codes beginning with 15:

- 15 16 20 98 21
- 15 16 20 98 29
- 15 16 20 98 30
- 15 18 00 91 21
- 15 18 00 91 29
- 15 18 00 91 30
- 15 18 00 99 21
- 15 18 00 99 29
- 15 18 00 99 30

Codes beginning with 27:

- 27 10 20 11 21



- 27 10 20 11 29
- 27 10 20 11 30
- 27 10 20 16 21
- 27 10 20 16 29
- 27 10 20 16 30

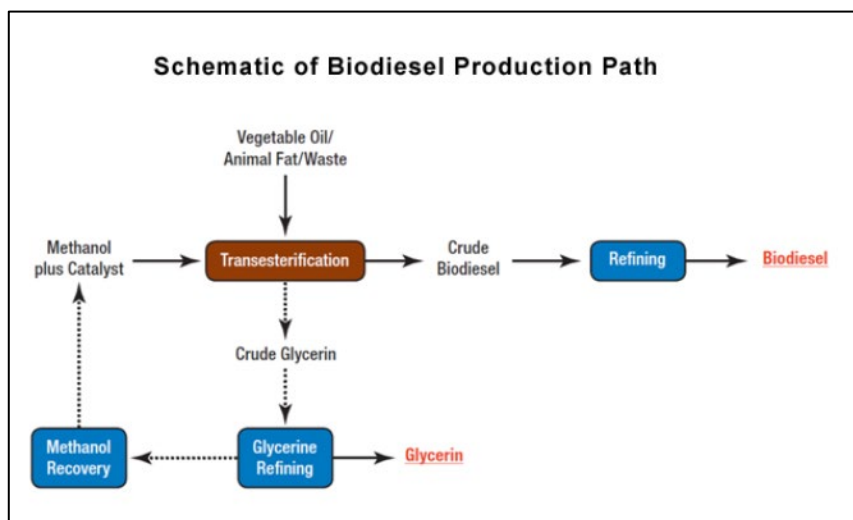
Codes beginning with 38:

- 38 24 99 92 10
- 38 24 99 92 12
- 38 24 99 92 20
- 38 26 00 90 11
- 38 26 00 90 19
- 38 26 00 90 30

Appendix reference: [N/A](#)

4. Summarise the production process of the goods in the UK and in the exporting country/countries. Make sure you explain if there are different production processes within the UK and/or the exporting country/countries concerned:

1. Fatty-acid mono-alkyl esters are made by reacting an oil or fat with reagents and catalysts to get a product generally known as biodiesel. Biodiesel manufactured in the UK or biodiesel manufactured in the US undergoes the same transesterification process, summarised in the graph below:



Source: Appendix A-5 – Alternative fuel data center, Biodiesel production and distribution



2. In more details, the production process of FAME biodiesel involves the following stages:

- Esterification: free fatty acid (FAA) is mixed with methanol in the presence of sulphuric acid, resulting in fatty acid methyl ester (FAME) and water; or
- Transesterification: Triglyceride is mixed with methanol in the presence of potassium or sodium hydroxide, resulting in fatty acid methyl ester (FAME) and glycerine.
- Biodiesel polishing: Biodiesel mixed with citric acid and water is put into a centrifugation process, resulting in cleaner biodiesel and washwater.
- Two final optional stages can be added to the process, as follows:
  - Final polishing (WFE): consisting of a two-stage flash distillation of volatiles (150° C, deep-vacuum distillation of biodiesel (above 200° C), yielding sale-quality biodiesel and pitch.
  - MONG (Matter organic non-glycerine) recovery: consisting of pH adjustment, flash distillation of methanol, and final centrifugation into three phases (glycerine, MONG (J), and MONG solids).

3. The production process is similar – or even identical – in the UK and in the US. The only difference is the raw material that can be used to manufacture biodiesel. In the UK, producers use UCO and other waste fats oils and greases (FOGs) as feedstocks. While the US producers can also manufacture biodiesel from UCO and FOGs depending on the end-market, they mostly use soybean oil to manufacture biodiesel.

Appendix reference:

Appendix A-5 – Alternative fuel data center, Biodiesel production and distribution

5. Provide a general description of the UK market for the goods including the nature and conditions of competition within the overall market. In your answer please refer to:

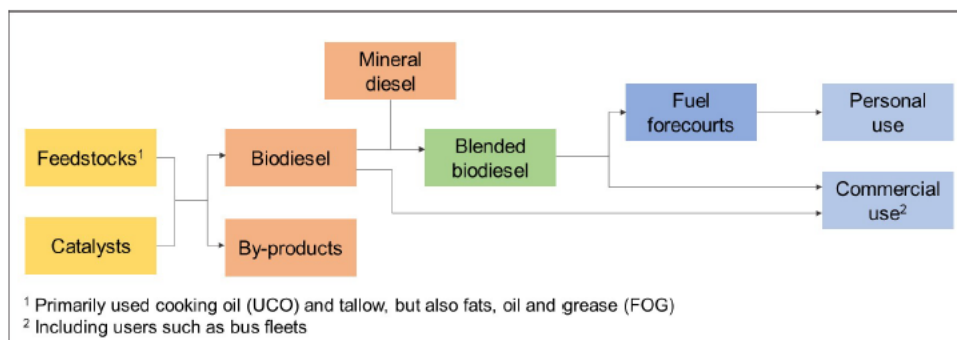
- general users/consumers/customers;
- market segmentation;
- government regulation or tax;



- distribution and marketing (for example, how is the product sold and is quality or price the deciding factor);
- the nature of competition within the overall market;
- the degree of price sensitivity;
- the trends and drivers of demand, including causes of demand fluctuations and any factors contributing to overall market growth or decline;
- developments in technology affecting the characteristics, demand or the production process of the goods;
- other commercially significant goods which could be substituted for your goods and the goods being imported into the UK; and
- any other factors that influence the market.

1. The UK biodiesel industry is composed of the three following producers: Argent, Olleco and Greenergy.

2. In the Final Determination dated 10 November 2022, the TRA indicated that “UK producers make FAME, primarily from UCO and tallow as well as fats, oils, and greases (FOG). This is blended with mineral diesel by fuel suppliers to meet RTFO requirements for sale at forecourts or sold unblended to some commercial users”<sup>3</sup>.



Source: TRA, Statement of Essential Facts, TD0004, 2022, page 92

3. Feedstocks to produce biodiesel in the UK are sourced either domestically or via imports. Feedstocks represent over 75% of production costs in the biodiesel process. Other inputs include catalysts and methanol. Glycerine and potassium sulphate are produced as by-products; methanol is distilled and re-used. Glycerine is

<sup>3</sup> TRA, Recommendation to the Secretary of State, TD0004, 10 November 2022, page 92, Recital (386).



sold for technical purposes including as a performance enhancer for anaerobic digestion, while potassium sulphate is used as fertiliser<sup>4</sup>.

4. Most of the biodiesel produced in the UK is blended before it is sold for final use. *[Confidential: Information pertaining to the sales structures of each UK biodiesel producer. This information is confidential by nature and its disclosure could provide an unfair advantage to competitors. It is not subject to a public summary]*<sup>5 6</sup>.

5. The biodiesel produced in the UK may be supplied to forecourts for retail sale or sold directly to customers, such as commercial or public transport fleets and industrial users<sup>7</sup>. Direct sales, however, represent a small proportion of the market<sup>8</sup>.

6. End consumers buying diesel at forecourts will be buying a blend of mineral diesel and biodiesel. During its 2022 Final Determination, the TRA found that “[t]he demand for diesel is price inelastic because consumers cannot readily switch to other forms of fuel, such as petrol, and may have a limited ability to switch to other modes of transport”<sup>9</sup>.

7. Biodiesel is mainly sold in the UK market for the road sector. It is a renewable substitute for diesel. It can be used in diesel engines for cars, heavy goods vehicles and other off-road machinery.

8. More specifically:

- For commodity-based blending into B7 market, biodiesel can be blended into the fuel mix at the B7 pump at public forecourts. The blending wall for FAME is at 7% v/v.
- For buses/ HGVs etc. – engines can accept varying blends of biodiesel.

9. Demand for biodiesel in the UK is driven by the RTFO.

Appendix reference: Appendix A.6 - Olleco response to TRA Statement of Essential Facts - 2021 – Open.

<sup>4</sup> *Id.*, Recital (387).

<sup>5</sup> *Id.*, Recital (194).

<sup>6</sup> Appendix A.6 - Olleco response to TRA SEF - 2021 – Open.

<sup>7</sup> *Id.*, Recital (409).

<sup>8</sup> *Id.*, Recital (411).

<sup>9</sup> *Id.*, Recital (416).



6. We give goods in our investigations Product Control Numbers (PCNs) which are identifiers unique to our work and are created on the basis of the main characteristics differentiating the goods from other goods. We use PCNs to allow comparison between products made by domestic and foreign producers. The accuracy of the TRA’s PCN structure is directly proportionate to information supplied by the applicant. If the goods concerned covers a range of goods with different characteristics that would affect comparability:
- Please describe the key physical characteristics that have a consequential and material effect on prices, with the list of characteristics going from most to least consequential
  - Please provide evidence to substantiate that these physical characteristics have a consequential and material effect on prices. This evidence could be in reference to specific unit costs, if those costs effect price comparability
  - Use this information to delineate between models of not only the goods produced by the UK industry, but by the exporting producers, giving the information requested in the subsequent sections in refence to each model rather the goods category as a whole. The annex will indicate where information is being asked for on an individual model basis.
  - If you already have a view on a PCN structure, please propose that here.

1. The Applicant considers that the following PCN should be used in the present case to account for specificities of the product scope:

Characteristic	Symbol	Description
Cold Filter Plugging Point (CFPP) in degrees centigrade rounded to the nearest degree	1	1 - Higher than +9
	2	Higher than or equal to 0 but lower than or equal to +9
	3	Lower than 0 but higher than or equal to -9
Feedstocks	1	biodiesel from feedstocks subject to incentives (singled counted as according to the RTFO categories)



	2	biodiesel from feedstocks subject to incentives (double counted as according to the RTFO categories)
	0	other/special purpose sold without any certificate
Form	P(100)	Pure form
	B(XX)	XX equals percentage of biodiesel blended with ULSD

Appendix reference: N/A



## Section B: About the Application

1. The present Application is submitted by the RTFA to open an expiry review of the anti-dumping and countervailing measures imposed on imports of biodiesel originating in the US, as extended to Canada, as provided by Regulation 70 of the Regulations.

2. Regulation 70(1) of the Regulations states that “[t]he TRA may conduct a review to consider whether injury to a UK industry in the goods would be likely to continue or recur if the application of an anti-dumping amount or a countervailing amount to the relevant goods were to expire”. Regulation 70(4) of the Regulations provides that the request should be presented no later than three months before the scheduled expiry of the considered measures.

3. In the present case, the anti-dumping and countervailing measures are set to expire on 29 January 2026, and the request has thus been filled to the TRA on 29 October 2025, i.e. within the relevant timeframe.

Individuals or groupings of companies, individuals and trade bodies can all be applicants. Generally, an industry that is concerned about a set of imported goods should make only one application to us for an investigation. When we assess your application, we will consider information about all the companies which make up the group that is applying. When you are answering questions about the goods you produce, please include information about the goods produced by all the companies and individuals who are submitting this application.

### Applicant Information

Name of Applicant

1. The Applicant is The Renewable Transport Fuel Association (“RTFA” or “the Applicant”).

2. RTFA requests the initiation of an expiry review investigation of the anti-dumping and countervailing measures applicable to imports of biodiesel originating in the US and consigned from Canada. These measures were transitioned from the



EU by Taxation Notice 2020/04<sup>10</sup> and 2020/05<sup>11</sup>, and extended by Trade Remedies Notice 2022/08<sup>12</sup> and 2022/09<sup>13</sup>, for a five-year period, starting from 30 January 2021.

3. The anti-dumping and countervailing duty rates are as follows:

**Table 1: Duty amount for Category 1 goods:**

Foreign country	Overseas exporter	Anti-dumping Duty amount GBP (£) per tonne net	Countervailing duty rate GBP (£) per tonne net
Canada	All overseas exporters (except Biox Corporation, Rothsay Biodiesel, and DSM Nutritional Products Canada Inc.)	144.109	198.338
US	Archer Daniels Midland Company	57.409	198.338
	Cargill Inc.	Nil	178.923
	Green Earth Fuels of Houston LLC	59.083	178.588
	Imperium Renewables Inc.	64.021	181.433
	Peter Cremer North America LP	165.700	176.747
	World Energy Alternatives LLC	69.209	176.747
	Overseas exporters specified in Annex 1	96.742	183.609
	Overseas exporters specified in Annex 2	144.109	183.609
	All other overseas exporters (residual amount)	144.109	198.338

Source: Trade remedies notice 2022/08 and 2022/09 imposing definitive anti-dumping and countervailing duties.

**Table 2: Duty amount for Category 2 goods:**

Foreign country	Overseas exporter	Anti-dumping Duty amount GBP (£) per tonne net	Countervailing duty rate GBP (£) per tonne net
USA	Archer Daniels Midland Company	57.409	198.338
	Cargill Inc.	Nil	178.923

<sup>10</sup> Taxation notice 2020/04 of 31 December 2020 giving effect to the EU trade remedies measures specified in Notice of determination 2020/04: Anti-dumping duty on biodiesel originating in the US (including biodiesel consigned from Canada).

<sup>11</sup> Taxation notice 2020/05 of 31 December 2020 giving effect to the EU trade remedies measures specified in Notice of determination 2020/05: Anti-subsidy amounts on biodiesel originating in the US and consigned from Canada.

<sup>12</sup> Trade remedies notice 2022/08 of 10 November 2022 giving effect to the Trade Remedies Authority recommendation to vary the anti-dumping duty on fatty-acid mono-alkyl esters originating in the United States of America (including FAME consigned from Canada, whether declared as originating in Canada or not).

<sup>13</sup> Trade remedies notice 2022/09 of 10 November 2022 giving effect to the Trade Remedies Authority recommendation to vary the countervailing duty on fatty-acid mono-alkyl esters originating in the United States of America (including FAME consigned from Canada, whether declared as originating in Canada or not).



Green Earth Fuels of Houston LLC	59.083	178.588
Imperium Renewables Inc.	64.021	181.433
Peter Cremer North America LP	165.700	176.747
World Energy Alternatives LLC	69.209	176.747
Overseas exporters specified in Annex 1	96.742	183.609
Overseas exporters specified in Annex 2	144.109	183.609
All other overseas exporters (residual amount)	144.109	198.338

Source: Trade remedies notice 2022/08 and 2022/09 imposing definitive anti-dumping and countervailing duties.

4. The anti-dumping and countervailing measures on biodiesel imports from the USA are set to lapse on 29 January 2026<sup>14</sup>.

5. For the reasons set out in the present request, the Applicant is strongly convinced that the expiry of the anti-dumping and countervailing duties on biodiesel imports from the US would be likely to result in a recurrence/continuation of dumping and subsidization practices, leading to a recurrence of injury to the UK biodiesel industry.

6. The Applicant, on behalf of the UK biodiesel producers, requests the TRA to initiate expiry review investigations to review the anti-dumping and countervailing measures on biodiesel imports from the USA for another five-year period.

Address

[Confidential: Contact details of the Applicant. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]

Email

[Confidential: Contact details of the Applicant. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]

Telephone

[Confidential: Contact details of the Applicant. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]

Contact Name

[Confidential: Contact details of the Applicant. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]

<sup>14</sup> Notice of the impending expiry of certain anti-dumping measures (TD0004) and Notice of the impending expiry of certain countervailing measures (TS0005).



Company Ownership (provide broad details of shareholding)

1. The Renewable Transport Fuel Association (RTFA) is a UK trade association representing the producers of sustainable renewable and recycled carbon fuels and suppliers of gaseous renewable fuels to transport markets. Renewable Fuels companies comprise companies producing liquid Renewable Fuels, together with suppliers of gaseous fuels, such as biomethane, biopropane, or renewable hydrogen.
2. All individuals, firms, companies, and other entities engaged in the business of the production and supply of Renewable Fuels are eligible in principle to apply for membership of the RTFA. The affairs of the RTFA are not conducted for profit.
3. *[Confidential: Information pertaining to the election system of the Applicant. This information is confidential by nature and is not subject to a public summary]*

Name of Lawyer/Representative

*[Confidential: Name of the Applicant's legal counsel. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

*[Confidential: Address of the Applicant's legal counsel. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Tel.: *[Confidential: Contact details of the Applicant's legal counsel. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Contact Person: *[Confidential: Name of the Applicant's legal counsel. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Email: *[Confidential: Contact details of the Applicant's legal counsel . Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Appendix reference: Appendix B.1.a and B.1.b - Powers of attorney - OPEN

**Period of Investigation**



For the subsequent sections, please use the same 12-month period for every question and indicate below which 12-month period you are using. This period should not end more than six months before the date this application is submitted. This period will be referred to as ‘the period of investigation (POI)’ for the rest of the application. The 36-month period preceding the POI, will be referred to as the injury period. Please indicate the 12-month POI in the box below.

1. The period of investigation (POI) in the present application to review dumping and subsidization practices is July 2024 to June 2025 (Q3 2024 to Q2 2025).
2. The period examined to assess injury runs from January 2022 to the POI (injury period, or IP).

Please give the volume and value of like goods you produced in the UK for the POI.

1. The UK biodiesel industry produced the following volume and value of like goods during the POI:

PRODUCTION (POI Q3 2024 – Q2 2025)		
	Volume (MT)	Value (GBP)
Argent	[Confidential]	[Confidential]
Greenergy	[Confidential]	[Confidential]
Olleco	[Confidential]	[Confidential]
<b>UK industry</b>	[422 593 - 571 744]	[490,300,000 – 680,300,000]

Source: Data from producers, Annex 1

## Section C: About Other Interested Parties



## UK Producers

Your application must be supported by other UK producers who represent at least 25% of total UK production. This is based on production physically located in the UK. The level of support for the application must be greater than the level of opposition among UK producers.

If there are other UK producers, you will need to contact them and ask them whether they support or oppose this application. Please attach their written responses to your application OR their details should be provided below. Use a separate table for each producer.

We understand that other producers may be concerned about providing confidential information for this form. If necessary, you can ask an independent third party to confidentially combine information from the individual companies. Alternatively, the other producers can send the information separately to the TRA for us to combine.

<b>UK producer</b>	
Legal name of company:	Argent Energy
Name (point of contact):	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Role:	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Address:	<i>[Confidential: Contact details of a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Telephone No:	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Email:	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Company website:	<a href="https://www.argentenergy.com/">https://www.argentenergy.com/</a>
<b>Goods produced</b>	
This company is a UK producer of biodiesel.	
<b>Position regarding application</b> (delete as applicable)	
Support	



<b>UK producer</b>	
Legal name of company:	Olleco
Name (point of contact):	<i>[Confidential: Personal information of individuals working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Role:	<i>[Confidential: Personal information of individuals working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Address:	<i>[Confidential: Contact details of a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Telephone No:	<i>[Confidential: Personal information of individuals working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Email:	<i>[Confidential: Personal information of individuals working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Company website:	<a href="https://www.olleco.co.uk/">https://www.olleco.co.uk/</a>
<b>Goods produced</b>	
	<i>This company is a UK producer of biodiesel.</i>
<b>Position regarding application</b> (delete as applicable)	Support
<b>UK producer</b>	
Legal name of company:	Greenergy International Ltd
Name (point of contact):	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Role:	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Address:	<i>[Confidential: Contact details of a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Telephone No:	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>



	<i>nature of this information, it is not suitable for a non-confidential summary]</i>
Email:	<i>[Confidential: Personal information of an individual working for a UK producer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Company website:	<a href="https://www.greenergy.com/">https://www.greenergy.com/</a>
<b>Goods produced</b>	
<i>This company is a UK producer of biodiesel.</i>	
<b>Position regarding application</b> (delete as applicable)	Support



## Other Parties

1. Provide details of all known producers/exporters in the exporting country or producer/exporter associations in the exporting country, including:

Please refer to Appendix C.1.a, b and c – List of US producers.

Name: See Appendix C.1  
 Address: See Appendix C.1  
 Email: See Appendix C.1  
 Telephone Number: See Appendix C.1

2. Provide the details of all known importers of the goods in the UK or any associations of importers in the UK, including:

Name: Valero  
*[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Address: *[Confidential: Personal information of an individual working for a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Email: *[Confidential: Personal information of an individual working for a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Telephone Number: *[Confidential: Personal information of an individual working for a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Contact person (if available) *[Confidential: Personal information of an individual working for a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

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Nature of their business (retailer/agent etc)	Importer
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Name: Philips 66 Limited  
*[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Address: *[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Email: *[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*



	<i>this information, it is not suitable for a non-confidential summary]</i>
Telephone Number:	Not available
Contact person (if available)	Not available
Nature of their business (retailer/agent etc)	Importer
Name:	Prax <i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Address:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Email:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Telephone Number:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Contact person (if available)	Not available
Nature of their business (retailer/agent etc)	Importer
Name:	BP p.l.c. <i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Address:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Email:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Telephone Number:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Contact person (if available)	Not available
Nature of their business (retailer/agent etc)	Importer
Name:	Ineos (Grangemouth) <i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>
Address:	<i>[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]</i>



Email: *[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Telephone Number: *[Confidential: Contact details of a UK importer. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]*

Contact person (if available) Not available

Nature of their business (retailer/agent etc) Importer

3. Provide the details of all known suppliers, users and consumers of the goods in the UK, or associations of suppliers, users or consumers including:

*The suppliers of biodiesel are fuel distributors which blend mineral diesel with biodiesel at the pump. They cannot be identified separately.*

*The users and consumers purchase mineral diesel blended with diesel at the pump station. They cannot be identified separately.*

Name: Not available

Address: Not available

Email: Not available

Telephone Number: Not available

Contact Person (if available) Not available



## Section D: Representativeness

### Summary of UK Producer support or opposition for this application

We need to know about the total volume of UK production for UK markets by the producers who support your application. **Please complete Annex 1**, which will guide you through the calculation of whether representativeness requirement is met in terms of volume and value. If any figures are estimates, please explain how you worked out this information.

1. Argent, Olleco and Greenergy comprise the totality of the UK biodiesel industry, as referred to under Regulation 29(1) of the Regulations and defined under paragraph 6 of Schedule 4 to the Act.
2. This was confirmed by the TRA in its 2022 transition review<sup>15</sup>. Please refer to Annex 1 for assessment of the representativeness.

### Market Share

1. The applicant UK industry/industries should have at least a 1% share of the UK market for the goods, irrespective of where the goods were produced. Please demonstrate this by **completing Annex 2**. If you have other specific market share information, please also provide that.

1. Regulation 51 of the Regulations provides that the UK industry share of the market must be of at least 1%.
2. The Applicant satisfies the market share requirement. Please refer to Annex 2 for the detailed calculations.

2. Please note that the requirement can be waived in certain circumstances, for example if your application is about imports preventing a UK industry from being established for a 1% market share. If you think the requirement should be waived, explain why.

N/A.

### Related Persons

<sup>15</sup> TRA, Final Recommendation, TD0004, pgs. 37, 38, Recitals (188, 196); TRA, Final Recommendation, TS0005, pgs. 32, Recitals (187).



If you know that the Applicant or any other known UK producer of the goods is related (as defined under [Regulation 128](#) of the Customs (Import Duty) (EU Exit) Regulations 2018 (a)) to an exporter or an importer of the goods, describe the company and the relationship.

N/A.



## SECTION E: About the allegedly dumped imports you want us to investigate

Complete this section if you are making an application for a dumping investigation.

Please give us all the information you can about the imported goods you believe are being dumped and the injury being caused to UK industry.

### Sufficiency Test

Please note that we may reject your application if there is not sufficient evidence of dumping or injury. Evidence of dumping is insufficient if the margin of dumping is less than 2% of the export price (minimal).

1. List all countries (or territories) where the imported goods are produced (country of origin) and the countries (or territories) from which they are exported to the UK, if this is different.

1. In the context of an expiry review, the investigating authority must determine whether “injury to a UK industry in the goods would be likely to continue or recur if the application of an anti-dumping amount or a countervailing amount to the relevant goods were to expire”<sup>16</sup>.

2. The US is only country of origin targeted in this Application. However, US biodiesel may be exported or consigned from Canada, whether originating or not in Canada.

2. **Complete Annex 2**, giving the volume and value of the imported goods for the POI, to demonstrate percentage of total imports.
3. Provide details and evidence of how the volume and value of dumped imports have been calculated.

---

<sup>16</sup> Regulation 70(1) of the Regulations.



1. The volume and value of imports have been determined based on the data from the HMRC, for the customs code 3826 00 (encompassing 3826 00 10 and 3826 00 90). Customs code 3826 00 is a code exclusively dedicated to FAME biodiesel.
2. Anti-dumping and countervailing duties imposed on FAME biodiesel imports from the US led to the disappearance of US FAME imports into the UK. As shown in the table below, US biodiesel imports to the UK were negligible during the past four years, representing less than 2,000 tonnes:

In tonnes	2022	2023	2024	POI
Imports of FAME biodiesel from the US	2.5	0.1	1,193	1,193

Source: HMRC – see Annex 2 and Appendix E.1

## Normal value

Normal value refers to the domestic price that the imported goods are normally sold for on the domestic market in their country of export. This value should then be adjusted for costs arising after the ex-works (EXW) level (and any other factors that need to be considered) to make a fair comparison with the export price.

If your complaint concerns more than one exporting country, calculate the normal value for each country

There are several different methods for calculating normal value, with the appropriate method being determined by the circumstances of trade between the exporting country and the UK, and the nature of exporting country's economy.

Therefore, when you tell us the normal value of the goods, you will also need to explain which method you are using to calculate it and why.

The methods are:

- 'Comparable Price', this is the price of the goods in the ordinary course of trade in the home market of the exporting country;
- Constructed Normal Values in the country of export based on the cost of production, plus reasonable amounts that would have been incurred on a domestic sale in the country of export for administrative, selling and general expenses and for profit;
- 'Sales made to a third country by the exporter', provided this amount is representative of the domestic selling price in sales in the country of export (provide evidence to support this); or



- If none of the above is possible, establish the normal domestic value from the best information available to you and provide this information to us, along with an explanation of the approach you have adopted. Alternatively, if prices in the exporter's domestic market are unavailable and it is not possible to construct a normal value, please contact the TRA to discuss further options.

Where possible, you should calculate normal value using the 'Comparable Price' Method. However, there are situations where this would be inappropriate, and so one of the alternative methods should be used. This includes situations where:

- the goods are not sold in the ordinary course of trade in the domestic market of the exporting country;
- these sales on the domestic market of the exporting country sales don't allow a proper comparison with their sales on foreign markets because of:
  - a particular market situation;
  - low volume of sales in the domestic market of the exporting country;
- the overseas exporter does not sell these goods in their domestic market;
- the imports are from a particular foreign country – this is a specific term defined under [Regulation 14 of the Dumping & Subsidy Regulations](#) which means that it's difficult to use prices of goods in that country as a fair comparison.

More information on each of these conditions and when they apply can be found in [our guidance on dumping investigations](#).

## Method

Please indicate below the method you have used for calculating normal value of the imported goods. If you have used an alternative basis to comparable price (e.g. constructed normal value), please explain why you believe it isn't appropriate to use comparable price and provide your evidence to support this.

1. To calculate the normal value in the USA, the Applicant relied on two sets of data publicly available regarding the prices and costs of biodiesel in the USA:
  - The publicly available domestic prices of biodiesel in the US issued by the US Department of Agriculture ("USDA")<sup>17</sup>. Domestic prices of biodiesel in the US issued by the USDA are only available for a period of 8 months within the POI, namely from July 2024 to February 2025. However, in a report

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<sup>17</sup> Agricultural Market Service (AMS).



updated in 2025 on biodiesel costs and prices, the Iowa's State University Agricultural Marketing Resource Centre (Ag MRC) referred to US domestic prices of biodiesel from the period March to June 2025. These domestic prices for this period were then used to have a complete overview of biodiesel domestic prices in the US during the POI.

*Appendix E.2 – USDA – US biodiesel domestic prices (July 2024 to February 2025)*

*Appendix E.3 - Iowa's State University Agricultural Marketing Resource Centre (Ag MRC) – Report on costs, prices and profitability of biodiesel – August 2025*

- The publicly available information reported by Iowa's State University Agricultural Marketing Resource Centre (Ag MRC) in its 2025 *Biodiesel Profitability Report*, which report the costs of production of the US biodiesel industry for the POI together with domestic sales to assess profit margins<sup>18</sup>.

*Appendix E.3 - Iowa's State University Agricultural Marketing Resource Centre (Ag MRC) – Report on costs, prices and profitability of biodiesel – August 2025*

#### **(i) Analysis of domestic prices of biodiesel in the US**

2. Biodiesel prices reported by the USDA correspond to the average monthly FOB price of biodiesel (Blend 100% biodiesel; SME - Soy Methyl Ester) offered in the States of Illinois, Indiana, Ohio, Iowa and/or Minnesota<sup>19</sup>. These prices should accurately describe the market prices for biodiesel in the US since the Midwest region (which includes these five States) hosts the largest number of biodiesel producers in the US<sup>20</sup>. In addition, soybean oil is the main raw material used by US biodiesel producers to manufacture biodiesel. As reported by the US Energy Information Administration, soybean oil represented in 2020 72% of raw materials used to produce biodiesel. Therefore, relying on B100 SME prices are considered the most relevant prices for biodiesel in the US.

<sup>18</sup> See Appendix E.3 - Ag MRC - Report on costs, prices and profitability of biodiesel from Iowa's State University Agricultural Marketing Resource Centre - August 2025.

<sup>19</sup> It is a value constructed averaging the weekly B-100 prices in each available location to create a single price (see: **Appendix E.5 – USDA Bioenergy Statistics – Documentation**).

<sup>20</sup> In its Biodiesel Production Report dated February 2021, the US Energy Information Administration reported that "*Biodiesel production from the Midwest region (Petroleum Administration for Defense District 2) accounted for 72 percent of the United States total.*" See: **Appendix E.6 - IEA, "Monthly Biodiesel Production Report - With data for December 2020"**, February 2021.



*Appendix E.4 – US Energy Information Administration, US inputs to biodiesel production*

3. Based on the above, for the POI, the information provided by the USDA showed a domestic FOB sales price of USD 3.68 per gallon which correspond to **\$ 1,105.09 per tonne<sup>21</sup>**. At the GBP/dollar average exchange rate during the POI (1 GBP = 1.2911 USD), this amount corresponds to a US domestic sales price of GBP 855.93 per tonne.

4. The Applicant compared this average sale price of biodiesel on the US market during the POI with the costs of production of the US biodiesel industry reported by the Agricultural Marketing Resource Centre (Ag MRC) of the Iowa’s State University during the same period. As shown in the table below, the total costs for manufacturing biodiesel (without profit margin) amounted during the POI to **\$ 1,263.72 per tonne**:

(\$/Gallon)	POI (July 2024 – June 2025) <sup>22</sup>
Soybean Oil	\$3.39
Natural Gas	\$0.04
Methanol	\$0.26
Other Variable Costs	\$0.25
Fixed Costs	\$0.26
Total Costs	\$4.21
(\$/MT)	POI
Total Costs	1,263.72

*Appendix E.3 – Ag MRC, “Biodiesel Profitability”, 15 August 2025 (Summary POI)*

5. At the GBP/dollar average exchange rate during the POI, this amount corresponds to GBP 978.79 per tonne.

6. In view of the above, the domestic prices reported by the USDA during the POI was lower than the costs of production of the US biodiesel industry during the same period (without even taking into account the profit), *prima facie* demonstrating that if these domestic prices are accurate, US biodiesel producers **sold biodiesel at loss** during the POI on the US domestic market.

7. As stated in Regulation 7(2)(a) of the Regulations, comparable prices may not be used where “*there are no sales of the like goods in the ordinary course of trade in the domestic market of the exporting country or territory*”. Regarding sales outside

<sup>21</sup> 1 US gallon = 3.785 liters. 1 tonne of biodiesel = 1,136 liters.

<sup>22</sup> The prices are reported on a monthly basis. The Applicant calculated the average value during the POI for each category.



the ordinary course of trade, the TRA's guidance document clarifies that one of such situations is when "*the goods are sold at prices below the per unit (fixed and variable) cost of production plus administrative, selling and general costs*".<sup>23</sup>

8. In view of the above, the Applicant concludes that publicly available domestic sales of biodiesel in the US were below the unit cost of production for manufacturing biodiesel in the US during the POI, which prevents the Applicant from relying on the 'comparable price' method. Consequently, the Applicant must resort to the constructed normal value.

Please give the normal value calculations using the appropriate section below, making sure to use the section relevant to the method you have described in this section. Delete tables for any methodologies you are not using.

The evidence you provide of normal value should, as far as possible:

be representative of different product types or models within the goods you are applying to us to investigate, if there are substantial differences in the normal value between these product types and models; and relate to normal value spread over the POI

## Comparable Price

Prices should be net ex-works (EXW) and exclude all internal taxes, such as VAT. If EXW prices are not available e.g. if Cost Insurance and Freight (CIF) or Free On Board (FOB) prices are the only ones available, these prices should be adjusted to bring them to a net ex-works level. If using this method, **please complete Annex 3**.

## Constructed Normal Value

**Please complete Annex 4**, explaining how each cost was calculated including:

- materials;
- direct labour;
- overheads;
- administration, sales and general expenses (ASG), excluding transport costs; and

<sup>23</sup> Regulation 9(1)(a) of the Regulations.



- the reasonable profit margin in the country of origin.

1. Regulation 8(1)(a) of the Regulations provides that, in the event the normal value cannot be determined by applying the comparable price method, the normal value may be calculated by “*determining the costs of production plus a reasonable amount for administrative, selling and general costs and for profits*”.

2. To construct the normal value, the Applicant relied on the costs of production of the US biodiesel industry during the POI, as reported by the Agricultural Marketing Resource Centre (Ag MRC) of the Iowa’s State University, as follows:

(\$/Gallon)	POI (July 2024 – June 2025) <sup>24</sup>
Soybean Oil	\$3.39
Natural Gas	\$0.04
Methanol	\$0.26
Other Variable Costs	\$0.25
Fixed Costs	\$0.26
Total Costs	\$4.21
(\$/MT)	POI
Total Costs	1,263.72

Appendix E.3 – Ag MRC, “Biodiesel Profitability”, 15 August 2025 (Summary POI)

9. A reasonable profit margin should be added to the above costs production of the US biodiesel industry.

10. The Applicant noted that in its recent 2025 Statement of Essential Facts in relation to the ongoing anti-dumping investigation on biodiesel imports from the People’s Republic of China (AD0058), the TRA found that a reasonable profit margin in the biodiesel sector should be 20%:

*“The UK industry informed the TRA that it would expect a normal rate of profit of 20% in the absence of injury. This is based on the cost to make and sell, and the required value to enable the UK industry to continue to invest in the business and provide sufficient returns on investments. This corresponds to 120% of the total costs of production.*

*Olleco demonstrated how the normal rate of profit was calculated during the in-person verification visit in January 2025, and the TRA is satisfied that 20%*

<sup>24</sup> The prices are reported monthly. The Applicant calculated the average value during the POI for each category.



is a reasonable and normal rate of profit, given that it is a capital-intensive industry”<sup>25</sup>.

11. Accordingly, the Applicant added a 20% profit margin to the total costs of production. As shown below, the constructed normal value amounted during the POI to **\$1,516.46 per tonne**:

(\$/MT)	POI (July 2024 – June 2025)
COP of the US biodiesel industry	\$1,263.72
20% profit	252.744
<b>Constructed Normal Value</b>	<b>\$1,516.46</b>

Appendix E.3 – Ag MRC, “Biodiesel Profitability”, 15 August 2025 (Summary POI)

12. At the GBP/dollar average exchange rate during the POI (1 GBP = 1.2911 USD), this amount corresponds to a constructed normal value of biodiesel sold within the US of **GBP 1,174.55 per tonne**.

Where there is a particular market situation, make adjustments to elements of cost or profit that are not substantially determined by market forces. For further information, see our guidance on [adjusting costs when constructing normal value](#) or contact our Pre-Application Office ([contact@traderemedies.gov.uk](mailto:contact@traderemedies.gov.uk))

For any of the above methodologies, attach supporting documentation for the prices, costs and any adjustments (see below) you have made. This can include:

- price lists;
- price quotations;
- sales invoices for domestic sales;
- sales correspondence;
- publicly available material containing information on domestic selling prices; and
- market surveys.

Not applicable.

<sup>25</sup> TRA, Statement of Essential Facts, Investigation No. AD0058, Dumping investigation into biodiesel imported into the United Kingdom originating from the People’s Republic of China, 22 August 2025, paras 579 and 580.



## Selling Price from Exporter to a Third Country

If this is the preferred method, **please use Annex 3**, indicating here which country you are using, and amending the listed adjustments to better reflect the adjustments made. Prices should be net ex-works (EXW) and exclude all internal taxes, such as VAT. If EXW prices are not available e.g. if Cost Insurance and Freight (CIF) or Free On Board (FOB) prices are the only ones available, these prices should be adjusted to bring them to a net ex-works level

Not applicable.

## Appropriate third country

This method is only available for particular foreign countries as defined under [Regulation 14](#) of the D&S Regulations.

1. Nominate an appropriate third country so you can establish normal values based on their selling prices.

Not applicable.

2. Explain your basis for selecting this third country.

Not applicable.

3. **Please use Annex 3** to calculate the Normal value based on the third country data, amending the listed adjustments to better reflect the adjustments made. Prices should be net ex-works (EXW) and exclude all internal taxes, such as VAT. If EXW prices are not available e.g. if Cost Insurance and Freight (CIF) or Free On Board (FOB) prices are the only ones available, these prices should be adjusted to bring them to a net ex-works level

## Export price of the goods

The export price is the selling price of the goods from the exporting country to a UK importer or a third party for export to the UK. This is adjusted to account for export costs and calculated back to the ex-works export price in the country of export. In most cases, you can base the export price on the price charged by the exporter to an unrelated importer in the UK. If your complaint concerns more than one exporting country, calculate the export price for each country



However, you may need to construct export price based on sales to first independent buyers or another reasonable method if:

- there is no export price;
- the price is unreliable due to an association or compensatory arrangement between the exporter and UK importer or third party.

Before providing the export price of the goods, please explain which basis you are using to calculate this and why. If you have constructed the export price, please give your reasoning for doing this and evidence to support this.

1. Regulation 15(1) of the Regulations defines the export price as *“the price the goods concerned are sold for, or the agreed price at which they are to be sold, to either an importer of the United Kingdom or a third party outside of the United Kingdom for export to the United Kingdom”*. However, according to Regulation 15(2) of the Regulations the export price may be constructed in the event there is no such export price available (see section below “constructed export price”).
2. As demonstrated in the previous sections, there were negligible volume of US biodiesel imports into the UK during the POI and previous years.
3. Accordingly, the Applicant concludes that these marginal volumes of US imports into the UK do not provide a sufficient basis for a continuation of a dumping analysis. The Applicant will then focus on the likelihood of recurrence of dumping should the anti-dumping measures be allowed to lapse.

Please give your export price calculations in the appropriate table below. Make sure you use the basis you described above and delete tables for any methodologies you are not using. Please note that whichever methodology you use, you will need to provide an export price on a CIF and EXW level. You should use price information from the POI.

The evidence you provide of the export price should, as far as possible:

- be representative of different product types or models within the goods you are applying to us to investigate, if there are substantial differences in the normal value between these product types and models; and
- relate to normal value spread over the POI

If either/both of these are not possible, please explain why. If you consider that export prices would not have varied significantly over the last year and so prices over the



period outlined above would not be relevant for establishing representative export prices, please explain why you consider that to be the case.

## **Export price based on the selling price of the goods from the exporting country to a UK importer or a third party for export to the UK**

Provide the export prices of the allegedly dumped goods using Annex 5 Evidence and individually itemise the costs subtracted from this selling price to bring it back to an ex-works level, such as publicly available freight rates. Explain how the amounts were established.

Provide documentary evidence for the selling price to the importer in the UK, such as:

- sales invoices;
- written offers;
- price quotations;
- sales correspondence; or
- official statistics.

Not applicable.

## **Constructed Export Price**

Calculate the constructed export price(s).

You may need to adjust for any costs included in the selling price which relate to the movement of the goods to the UK. If you are using sales to the first independent buyer as a basis for constructing, establish the details of the first sale to an independent buyer in the UK and deduct taxes, costs, charges, expenses and profit margins to obtain an ex-works price in the country of origin.

If there are different models or types of product for the imported goods, please construct a price for each one. Provide each adjustment separately. If your starting point is a CIF value, you will only have to find and deduct costs incurred by the exporter in the country of export from CIF back to the ex-works level.

Provide evidence to show how you have calculated or estimated the export prices. Include all the evidence you have on the resale price of the imported goods in the UK.



Provide the basis for the costs and profits subtracted from this selling price to bring it back to an ex-works level such as published industry mark-ups or publicly available freight rates and give evidence to support each cost adjustment.

1. The Applicant analysed whether it was likely that dumping practices from the US exporters would recur should the anti-dumping measure lapse.
2. To that effect, the Applicant analysed the US export price of biodiesel to the top three export destinations during the POI.
3. The Applicant consulted USDA export statistics and extracted the quantities and values of the export of biodiesel for the POI. The export quantities (in tonnes) to all countries amounted to 457,161 tonnes, and were mainly exported to Canada, Peru (despite anti-dumping measures in place<sup>26</sup>), and to a more limited level to the EU:

US biodiesel exports (in tonnes)	July 2024 – June 2025	Share in total exports
Canada	366,916	80.26%
Peru	84,935	18.58%
EU (mainly Germany)	3,656	0.80%
Others	1,655	0.36%
<b>Total</b>	<b>457,161</b>	<b>100%</b>

Source: FAS – US Department of Agriculture – Code 3826000000 (biodiesel & blends >B30) – Appendix E.7

4. During the POI, the US FOB export price to Canada, Peru and the EU were as follows:

US biodiesel exports (in tonnes)	July 2024 – June 2025 In USD/tonne	July 2024 – June 2025 In GBP/tonne
Canada	1,398	1,083
Peru	690	534
EU (mainly Germany)	895	693
Simple average export price	994	770

Source: Appendix E.7 – USDA - US biodiesel Exports; Appendix E.8 - Conversion rate US-GBP

5. There are important variations in the export prices among the three main export destinations for US biodiesel. The highest export price is that to Canada, representing about 80 % of total US exports. This price difference is explained by the

<sup>26</sup> As reported by the TRA in its Final Recommendation, “the US continues to export to Peru at dumped price levels, although it is possible that this is in part to absorb the duty imposed”. One can legitimately wonder whether there are absorption practices taking place in the US.



important share of canola-based biodiesel exports to Canada – which is more expensive than SME, i.e. is the main biodiesel type produced and exported by the US. As mentioned by the European Commission in its 2021 expiry review investigation on biodiesel imports from the USA: *“this more expensive average export prices to these two countries [Canada and Norway] is explained by the higher cost price of the feedstock (such as for canola)”*<sup>27</sup>.

6. Several sources report that canola-based biodiesel is commonly used in Canada and is preferred because of its better resistance to extreme cold weather. An article from The Western Producer in 2025 states canola oil *“was the feedstock for 21 per cent of the biodiesel and 24 per cent of the renewable diesel used in Canada last year [2024]”*<sup>28</sup>. Moreover, as reported by Fred Ghatala, president of Advanced Biofuels Canada, *“the market share of canola-based biofuel [should] climb in 2025”*<sup>29</sup>.

7. Accordingly, the Canadian market for biodiesel is driven by price dynamics that are different from those applicable in the UK. As mentioned by the TRA in its 22 August 2025 Statement of essential facts in the Dumping investigation into biodiesel imports into the UK originating from China, feedstocks heavily influence biodiesel prices: *“One of the main drivers in price is the cost of the raw material: feedstock. The cost of feedstock and the price of biodiesel has historically been closely related; as the cost of feedstock fluctuates so does the price of biodiesel”*<sup>30</sup>.

8. By contrast, US biodiesel exported to the UK – before the imposition of anti-dumping and countervailing measures – was mainly made from soybean oil (SME)<sup>31</sup>.

9. As a consequence, the Applicant will determine the export price based on a non-weighted average of US export prices to the three main export destinations. This would allow the Applicant to give a fair representation of the average price that would be observed on the UK market and avoids giving disproportionate weight to the price

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<sup>27</sup> Commission Implementing Regulation (EU) 2021/1266, imposing a definitive anti-dumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council, OJ L 277/34, 02.08.2021, recital. 53.

<sup>28</sup> Appendix E.9 – Website of The Western Producer, “Canola used in only quarter of Canadian biofuel”, 29 September 2025.

<sup>29</sup> *Ibidem*.

<sup>30</sup> TRA, Statement of Essential Facts, Dumping investigation into biodiesel imported into the United Kingdom originating from the People’s Republic of China, Investigation No. AD0058, 22 August 2025, para. 506.

<sup>31</sup> TRA, Transition review of countervailing duties applying to biodiesel originating in the United States of America and consigned from Canada, Investigation No. TS0005, para 351; TRA, Transition review of anti-dumping measures applying to biodiesel originating in the United States of America and consigned from Canada, Investigation No. TD0004, para 365.



of exports to Canada, given the mix of biodiesel types that would likely be exported to the UK where climate conditions are less extreme than Canada.

10. The Applicant believes it is relevant to indicate that the choice of a non-weighted average is reasonable and has already been used by other trade authorities. For instance, in its 2021 expiry review investigation on biodiesel imports from the US, the European Commission relied on a simple average US export price of biodiesel to the six main exporting countries to which the US exported biodiesel<sup>32</sup>. In that case, this non-weighted average was relied upon to assess the likelihood of recurrence of dumping practices from US exporting producers should the anti-dumping measures lapse<sup>33</sup>.

11. As shown in the table above, the simple average export price of biodiesel from the US to the three export destinations amounted to USD 994 per tonne (GBP 770 per tonne) during the POI. These export prices reported in the official US export statistics corresponded to FOB prices<sup>34</sup> expressed in metric tonnes, ready for export.

#### *Appendix E.10 – US Census Bureau - Trade definitions*

12. To obtain an ex-factory export price, the Applicant deducted the intra-US transport cost corresponding to the distance between the biodiesel factories and the districts of export. As explained above, a significant part of the US biodiesel is produced in the Midwest region which includes States such as Illinois, Indiana and Ohio. Iowa is also a State where many biodiesel factories are located.

#### *Appendix E.11 – EIA - List of US factories and their capacity*

13. Two primary means exist to transport biodiesel in the US: truck and rail. As reported by the Fuels Institute in a market and performance analysis report, rail

<sup>32</sup> Commission Implementing Regulation (EU) 2021/1266, imposing a definitive anti-dumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council, OJ L 277/34, 02.08.2021, Recitals (54) and (55).

<sup>33</sup> *Ibidem*, Sections 3.3.1., 3.3.2. and 3.3.3.

<sup>34</sup> Values specified are expressed on "FAS value" meaning *Free Along Ship*. According to the definition provided in the US Census Bureau - Trade definitions (page 7): "*The value of exports at the U.S. seaport, airport, or border port of export, based on the transaction price, including inland freight, insurance, and other charges incurred in placing the merchandise alongside the carrier at the U.S. port of exportation. The value, as defined, excludes the cost of loading the merchandise aboard the exporting carrier and also excludes freight, insurance, and any charges or transportation costs beyond the port of exportation*".



transport is cheaper for long distances as it induces lower transport costs than those provided by truck transport<sup>35</sup>.

*Appendix E.12 – Fuels Institute, Market and Performance Analysis, March 2020*

14. Therefore, the costs of transport correspond to the distance between the largest factories (in terms of capacity) located in the Midwest region and the ports of export.

15. The Applicant was only able to obtain from Union Pacific – a US freight provider – the domestic freight rates for transporting biodiesel by rails from 9 US biodiesel factories located in the Midwest region to Houston-Galveston, which amounted on average to \$ **[Confidential: 69.21 - 93.64] per tonne**. As reported by Union Pacific in its terms & conditions governing all-rail-rates, these quotes are valid from 1 April 2025 to 31 March 2026 – i.e., covering three months of the POI which makes it a reliable value.

*Appendix E.13: Union Pacific, Domestic freight quotes between Midwest to Houston, effective on 30 April 2025, 30 May 2025, and 30 June 2025 - Open*

*Appendix E.14: Union Pacific, Terms & Conditions governing All-Rail-Rates, March 2025*

16. The Applicant determined the export ex-works price by deducting [Confidential: 69.21 - 93.64] USD per tonne for the inland freight to the weighted average US export price to the three destinations representing more than 0.8 % of US total exports during the POI, as follows:

US export prices during the POI		
POI	US \$ / MT	GBP / MT
<b>Canada</b>		
US export price to Canada	1,398	1,083
Intra-US transport cost	[Confidential: 69.21 - 93.64]	[Confidential: [53.60 - 72.52]
<b>Ex-factory export price to Canada</b>	[Confidential: 1,118 – 1,514]	[Confidential: 867 – 1,173]
<b>Peru</b>		

<sup>35</sup> “Rail transport provides the biodiesel sector with a routing flexibility that is not provided by water transport and lower costs than are provided by truck transport for movements over longer distances” (Appendix E.12 – Biomass-Based Diesel, Market and Performance Analysis, page 19). To the best of Applicant’s best knowledge, many biodiesel factories in the USA have now rail access and rail is thus the most common means of transport for biodiesel in the USA.



US export price to Peru	690	534
Intra-US transport cost	[Confidential: 69.21 - 93.64]	[Confidential: [53.60 - 72.52]
<b>Ex-factory export price to Peru</b>	[Confidential: 516 - 700]	[Confidential: 400 - 542]
<b>EU (mainly Germany)</b>		
US export price to the EU	895	693
Intra-US transport cost	[Confidential: 69.21 - 93.64]	[Confidential: [53.60 - 72.52]
<b>Ex-factory export price to the EU</b>	[Confidential: 692 - 936]	[Confidential: 536 - 725]
<b>Simple average to all three destinations</b>		
Simple average US export price	994	770
Intra-US transport cost	[Confidential: 69.21 - 93.64]	[Confidential: [53.60 - 72.52]
<b>Simple average Ex-factory export price</b>	[Confidential: 776 - 1,050]	[Confidential: 601 - 813]

Sources: Appendix E.7 and E.13

17. As a result of the above calculations, the simple average ex-factory export price amounts to **[Confidential: 601 - 813] GBP per tonne**.

## Fair Comparison

To achieve an appropriate price comparison, the export price and the normal value should be compared at a fair level, in terms of their basic physical and chemical characteristics and the terms and conditions of sale. To achieve this comparison, please adjust your calculations to account for any differences which affect price comparability. This means that the comparison should be made at the same level of trade (such as wholesale or retail), at ex-factory level (EXW), and where possible, at the same time.

For certain types of adjustment, only the normal value may need to be adjusted. Sometimes both the normal value and export price will need to be adjusted. Use the table of adjustments below to check if the adjustment can be applied to export price or normal value or both. For more information, please consult our [fair comparison guidance](#).

Table of adjustments	<u>Export Price</u>	Normal Value
----------------------	---------------------	--------------



Physical characteristics	No	Yes
Import charges and indirect taxes	No	Yes
Discounts, rebates, quantities	Yes	Yes
Level of trade	No	Yes
Transport, insurance, handling	Yes	Yes
Packing	Yes	Yes
Credit	Yes	Yes
After sales costs	Yes	Yes
Commissions	Yes	Yes
Currency Conversion	Yes	Yes

1. Provide the relevant adjustments so you can compare the export price and normal value.

Not applicable.

2. Provide, for all adjustments you make, the following:
  - details of the differences that resulted in an adjustment;
  - details of how you produced the estimate of the allowances for the differences; and
  - supporting evidence concerning these differences.

Not applicable.

## Dumping Margin

If the overall dumping margin calculated across all product types/models and across all transactions is **less than 2%**, the Regulations consider this to be minimal and we cannot initiate an investigation.

1. Calculate the dumping margin. **Complete Annex 7**, repeating the calculation for each different model of the imported goods you have previously identified. Make sure you do this for each export price you have provided and for the normal value you have provided which is most closely comparable to that export price. If your complaint concerns more than one exporting country, calculate the dumping margin for each country.

If the normal value or the export price (or both) you have used was not an ex-works price, please describe the level of trade it relates to.



1. Paragraph 1(1) of Schedule 4 to the Act defines “dumped” goods into the UK as “the goods imported into the United Kingdom” and which “export price is less than their normal value”. The following paragraph defines the margin of dumping as “the amount which is the difference between the export price and the normal value”<sup>36</sup>.

2. To calculate the dumping margin, the Applicant compared the constructed normal value with the constructed US ex-works export price to the three main export destinations, by applying the following formula:

$$\frac{(\text{ex-factory normal value}) - (\text{ex-factory export price})}{\text{CIF border value}^{37}} \times 100$$

3. The results of the calculations show the following dumping margins, that may likely to recur, should anti-dumping measures be allowed to lapse. As per the methodology explained above, the Applicant has determined the dumping margin based on the simple average ex-works export price. In addition, and for the sake of context and completeness, the below table also presented the dumping margins for each main export country, as follows:

Constructed export price to the UK	Dumping margins (US \$ / MT)	Dumping margins (GBP / MT)
Normal Value	1,516.46	1,174.55
US ex-work export price to Canada	[Confidential: 1,118 – 1,514]	[Confidential: 867 – 1,173]
US ex-work export price to Peru	[Confidential: 516 - 700]	[Confidential: 400 - 542]
US ex-work export price to the EU	[Confidential: 692 - 936]	[Confidential: 536 - 725]
Simple average US ex-work export price	[Confidential: 776 – 1,050]	[Confidential: 601 - 813]
CIF price to Canada <sup>38</sup>	[Confidential: 1,238 – 1,676]	[Confidential: 958 – 1,298]
CIF price to Peru <sup>39</sup>	[Confidential: 636 - 862]	[Confidential: 493 - 667]
CIF price to EU <sup>40</sup>	[Confidential: 810 – 1,098]	[Confidential: 628 - 850]

<sup>36</sup> Paragraph 2 of Schedule 4 to the Act.

<sup>37</sup> To obtain a CIF price, the Applicant has adjusted the FOB export price for (i) international freight and insurance costs, by applying an increase adjustment of [50 - 69]\$ per MT, which correspond to the average costs for ocean freight and insurance charges from Houston in the US to Felixstowe in the UK. See: Appendix E.15 – Dumping margin calculations.

<sup>38</sup> Appendix E.16 - International Freight, [Confidential: Name of the rate provider]. To calculate a CIF import price to the three main export destinations, the Applicant relied on international freight prices from [Confidential: Name of the rate provider], for the distance between Houston to Felixstowe (UK).

<sup>39</sup> *Ibidem*.

<sup>40</sup> *Ibidem*.



Simple average CIF price	[Confidential: 895 – 1,211]	[Confidential: 693 - 939]
Dumping margin (based on US export price to Canada) (%)	[Confidential: 12 - 16] %	
Dumping margin (based on US export price to Peru) (%)	[Confidential: 103 - 139] %	
Dumping margin (based on US export price to the EU) (%)	[Confidential: 63 - 85] %	
<b>Simple average dumping margin (%)</b>	<b>[Confidential: 48 - 66] %</b>	

*Annex 7 – Dumping margin; Appendix E.15 - Dumping margin calculation; Appendix E.16 - International Freight, Drewry*

4. It results from the above that there is a likelihood of recurrence of severe dumping practices from US exporters – estimated at a [Confidential: 48 - 66] % dumping margin - should there be a discontinuation of the anti-dumping measures on biodiesel imports from the US.

5. As a conservative approach, the Applicant also calculated the export price by relying on a weighted average of the US export prices to the three main export destinations. When calculating the dumping margin based on this export price, the Applicant determined a dumping margin of [Confidential: 21 - 29] %.

*Appendix E.15 – Dumping margin calculation (Weighted average calculation) - Open*

6. The Applicant also analysed whether it was likely that dumping would recur should the measure lapse, in the light of (a) the production capacity and spare capacity in the USA; (b) the attractiveness of the UK market; (c) the limited export market opportunities; and (d) circumvention practices.

**a) Significant capacity and spare capacities in the USA**

7. The Applicant established the US production capacity based on the available information on the website of the US Energy Information Administration (EIA). US biodiesel producers must report to this authority (on a yearly and a monthly basis) their existing and planned production capacity, as well as their production, input, stocks and sales of biodiesel.

8. Based on the data collected from the EIA, the US biodiesel producers' capacity during the POI was 6,635,530 tonnes and the actual production during the POI amounted to 4,732,613 tonnes, i.e. a capacity utilisation rate of 71%:



<i>In tonnes</i>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>POI (July 2024-June 2025)</b>
<b>US biodiesel production</b>	5,404,967	5,654,216	5,569,902	4,732,613
<b>US biodiesel production capacity</b>	7,188,169	6,937,419	6,703,886	6,635,530
<b>Spare capacity</b>	1,783,202	1,283,203	1,133,984	1,902,917
<b>US biodiesel consumption</b>	5,525,125	6,431,519	6,391,217	5,012,227
<b>Capacity utilization (%)</b>	75%	82%	83%	71%
<b>Spare capacity (%)</b>	25%	18%	17%	29%

Source: Appendix E.17 – U.S. Energy Information Administration, Overview of the US biodiesel market

9. Accordingly, the US biodiesel industry has a spare capacity of 29%, i.e. approximately 1,902,917 tonnes. Such substantial spare capacity provides US producers with a strong incentive export biodiesel, notably to the UK at potentially dumped prices. In doing so, US producers would benefit economically from higher capacity utilisation and lower unit production costs. The potential release of this spare capacity onto the UK market would have a severe impact, as it represents [Confidential: 199 – 269]% of total UK biodiesel consumption during the POI.

10. During the POI, the US production of biodiesel (4,732,613 tonnes) was lower than the consumption (5,012,227 tonnes). The US imports biodiesel (554,923 tonnes during the POI) to satisfy part of its domestic demand. Since US producers did not use their spare capacity to meet domestic demand in the past, it is unlikely they will do so in the future. Instead, they are expected to use this capacity to supply export markets, such as the UK, if such opportunities arise.

Appendix E.18 – USDA, US biodiesel Imports, extracted on 27 October 2025

11. Moreover, it is unlikely that the spare capacity would be used to increase exports to third countries other than the UK and the EU. The large third country markets (Brazil, Indonesia, Argentina, China, Thailand) are self-sufficient in terms of domestic biodiesel production, and the US has so far not exported much to those countries despite its spare capacity. There is no reason to believe that this will change in the future.

12. Moreover, the Applicant insists there is a significant increase in the renewable diesel (i.e. HVO, a like good of FAME) capacity in the US. In recent years, production of this so-called second generation of biodiesel has gained a real momentum, as



reported by the Department of Agricultural and Consumer Economics of the University of Illinois. The latter reports that “*Renewable diesel production capacity in the U.S. exploded in recent years, increasing over three billion gallons*”.<sup>41</sup> The rise in HVO production in the US does however not match the consumption, as reported by the same source: “*the profitability of renewable diesel production has taken a major hit in the last year (...), as the industry began to produce at a level greater than the demand ceiling set by the annual renewable volume obligations (RVOs) under the U.S. Renewable Fuel Standard (RFS) program*”.<sup>42</sup>

13. An example of the development of the renewable biodiesel (HVO) industry in the US is the conversion by the biodiesel producer Phillips 66 of the San Francisco refinery into the Rodeo Renewable Energy Complex in 2024.<sup>43</sup> The refinery is reported to “*increase production rates to more than 800 million gallons per year [2,67 million tonnes] of renewable fuels by the end of the second quarter [of 2024]*”<sup>44</sup>. Moreover, the facility is also set to produce sustainable aviation fuel (“SAF”)<sup>45</sup>.

14. Following a similar path, the biodiesel producers Marathon Petroleum and ExxonMobil are reported to add “*renewable diesel to their product mix in response to government incentives for cleaner fuels*”<sup>46</sup>.

15. Regarding SAF production (i.e. a biodiesel produced through the HEFA production process), the EIA reported that “*SAF will likely drive significant growth in ‘other biofuels’ production and make up most of U.S. ‘other biofuels’ production*”<sup>47</sup>.

16. Thus, the significant spare capacity shows that US biodiesel producers can easily increase their exports to the UK market, should there be an opportunity to do so, for example the discontinuation of the anti-dumping duties. This would have a great economic benefit for the US biodiesel producers which could then increase their capacity utilization ratio and thus reduce their unit cost of production.

<sup>41</sup> Appendix E.19 – University of Illinois, Estimates of the Production Capacity of U.S. Renewable Diesel Plants 2026, page 3

<sup>42</sup> *Ibidem*.

<sup>43</sup> Appendix E.20 – Company announcement, “Phillips 66 Announces Major Milestone in Production of Renewable Diesel”, 1 April 2024.

<sup>44</sup> *Ibidem*.

<sup>45</sup> *Ibidem*.

<sup>46</sup> Appendix E.21 – Press release, Financial Times, ‘Diesel vs doughnuts’: new biofuel refineries squeeze US food industry”, 8 September 2021.

<sup>47</sup> Appendix E.22 – In-brief analysis, “US production of other biofuels and US sustainable aviation fuel (SAF) production capacity”, 6 May 2025, EIA.



17. In addition to spare capacity, the US biodiesel industry had also high levels of biodiesel stocks during the period analysed, that could be directly redirected towards the UK market, should the measure be discontinued.

18. As shown in the table below, while inventories of the US biodiesel industry decreased during the period considered, they however remained very high (378,926 tonnes for the POI), especially when considering that the UK biodiesel consumption is only about [Confidential: Information pertaining to the level of UK consumption, which is confidential by nature as it discloses UK producers' sales volumes. Ranges are provided below as a non-confidential summary] the level of US stocks ([Confidential: 692,000 - 937,000] tonnes during the POI):

<i>In tonnes</i>	2022	2023	2024	POI (July 2024- June 2025)
Stocks	504,932	533,709	497,124	378,926
<i>Index (2022 = 100)</i>	100	106	98	75
UK Consumption	[Confidential: [1,262,000 – 1,708,000]	[Confidential: 1,220,000 – 1,651,000]	[Confidential: 793,000 – 1,073,000]	[Confidential: 692,000 – 937,000]
<i>Index (2022 = 100)</i>	100	97	63	55

Source: U.S. Energy Information Administration, Appendix E.17; Annex 2

**b) Attractiveness of the UK market**

19. As developed in the previous sections of this Application, and due to the regulatory framework set by the RTFO, suppliers of transport fuel must demonstrate that a proportion of the fuel supplied originates from renewable sources. As a result, biodiesel use is highly incentivised, and the UK is an attractive market for biodiesel exports.

20. The UK biofuel obligations regarding the use of sustainable fuels increase from year to year, as follows:



Obligation Year	Main Obligation (%)	Development Fuel Target (%)	Total Obligation (%)
2023	13.078%	1.142%	14.220%
2024	13.563%	1.379%	14.942%
2025	14.054%	1.619%	15.673%
2026	14.552%	1.863%	16.415%
2027	15.056%	2.109%	17.165%
2028	15.566%	2.358%	17.924%
2029	16.083%	2.611%	18.694%
2030	16.607%	2.867%	19.474%
2031	17.138%	3.127%	20.265%
2032 onwards	17.676%	3.390%	21.066%

Source: Appendix E.23 - UK Department for Transport RTFO compliance guidance 2025 – January 2025, page 17

21. These above-mentioned obligations are divided into two components: the “main obligation” and the “development fuel target”. The “main obligation” represents the primary requirement for suppliers to ensure that a certain percentage of their total road transport fuel sales comes from renewable sources. The “development fuel target” is an additional target specifically designed to encourage the use of advanced renewable fuels, such as fuels from waste feedstocks or other low-carbon sources. Together, these two components constitute the “total obligation”.

22. The implementation of increasing obligations triggers appetite for biodiesel exporters from third countries willing to gain market shares on the UK market.

**c) Limited export market opportunities for US biodiesel**

23. As shown in the table below, US biodiesel is exported only to two major export destinations, namely Canada and Peru, despite anti-dumping duties in place in Peru against US biodiesel:

In MT	2022	2023	2024	2025 (estimated based on Jan-July)	POI (July 2024 - June 2025)
Canada	639,335	774,022	517,615	236,766	366,916
Peru	84,262	90,152	83,425	70,292	84,935
EU	33,503	2,543	2,263	4,039	3,656
Singapore	858	1,619	1,373	0	646
Indonesia	129	511	406	165	266
Others	1,321	1,468	1,402	825	743

Source: Appendix E.7 - US Biodiesel Exports, USDA

24. The Applicants notes that total US biodiesel exports during the POI represented only 10% of the total biodiesel production in the US during the POI,



clearly evidencing that there are no readily available export market opportunities to sell US biodiesel.

25. The largest biodiesel market worldwide is the EU, which has imposed in 2009 significant anti-dumping and countervailing duties on biodiesel imports from the USA. Peru is also a country which has domestic biodiesel consumption. However, Peru also imposed anti-dumping duties on biodiesel imports from the USA.

26. Other third country markets – such as Indonesia, Malaysia, and Argentina – have domestic biodiesel consumption. However, they have implemented non-tariff barriers to favour their domestic biodiesel industries, which prevents imports to penetrate their domestic market.

27. In view of the above, the Applicant concludes there are no significant prospects for US producers to export to other third countries markets. Moreover, the UK market is attractive in terms of size, price and accessibility, and there are significant domestic incentives for biodiesel consumption. Thus, it would be convenient for US producers to utilise their spare capacity to the full extent and to divert some of their export sales from other less profitable third countries into the UK market.

**d) Circumvention**

28. The anti-dumping and countervailing on biodiesel imports from the USA imposed by the EU in 2009 were found to be circumvented by means of transshipments via Canada and by a change in the composition of the blend, to slightly modify the product to make it fall outside the product subject to measures<sup>48</sup>. The existence of such practices shows the interest of US producers to find ways to penetrate again the European markets, including the UK, if measures were allowed to lapse.

**e) Interim conclusion on the likelihood of a recurrence of dumping**

29. Based on the above developments and in light of the significant spare capacity of the US industry, combined with the attractiveness of the UK market in terms of size and sales price, and the limited export opportunities for US biodiesel producers, the

<sup>48</sup> Council Implementing Regulation (EU) No 444/2011 of 5 May 2011 extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore, [2011] OJ L 122, 6.5.2011, p. 1–12.



Applicant showed that dumped imports from the US are likely to recur if the measures in force were allowed to lapse.

30. It is therefore of utmost importance to extend the anti-dumping duties in place on biodiesel imports from the US for another 5-year period.



## Section F: Subsidised imports

Complete this section if you are making an application for a subsidy investigation.

In order for us to investigate whether the goods are subsidised, we must be satisfied that the application contains enough evidence:

- that the goods are being imported
- that the goods are subsidised
- that the goods are causing injury to UK industry
- that the volume of goods and injury is more than negligible and the amount of subsidy is more than minimal
- that the market share is met or waived.

'Minimal', for developed countries, means a subsidy amount that is less than 1% of the estimated value of the goods (2% in the case of a developing country).

'Negligible' is where the exporting country accounts for less than 3% of imports of the goods in question into the UK (less than 4% in the case of a developing country). The other exception to this is where the exporting countries individually account for less than 3%, but collectively account for more than 7% of imports of the goods being imported.

### Volume of subsidised imports

1. List all countries (or territories) that export the goods to the UK, noting whether they are the country of origin or just the exporting country; in the latter case, please provide the identity of the country of origin.

The product goods concerned by the present request are exported from the USA (country of origin) or alternatively consigned from Canada.

FAME is also imported into the UK from the European Union, from China, from Malaysia, as well as from other third countries, but in more limited volumes (Switzerland, Norway, Thailand, Nicaragua, Liechtenstein, Gibraltar).

Appendix reference: [Appendix E.1](#)

**Complete the Annex 2**, giving the volume and value of the imported goods for the POI, to demonstrate percentage of total imports.



2. Provide details and evidence of how the volume and value of subsidised imports have been calculated.

The source to assess the volume and value of US imports into the UK is HM Revenue & Customs (HMRC), which provides official import statistics in the UK.

Appendix reference: N/A

## Countervailable subsidies in the exporting country

A subsidy exists if there is a financial contribution by a foreign authority which confers a benefit on the recipient (usually an industry or business manufacturing goods) or a form of income or price support received from a foreign authority which confers a benefit on the recipient. Forms of income and price support are defined in [Article XVI of the General Agreement on Tariffs and Trade 1994](#) (part of Annex 1A to the WTO Agreement).

Not all subsidies are countervailable. A subsidy is countervailable if it is specific to certain companies or industries (rather than general) and when it is granted either directly or indirectly for the manufacture, production, export or transport of goods.

Please refer to our guidance on [How we carry out a subsidy investigation](#) for further information.

1. Using the table below, list all known countervailable subsidy programmes in the exporting country which relate to the production and/or sale of the goods you are asking us to investigate. Subsidy programmes can include, but are not limited to:
  - Grants
  - Loans and loan guarantees
  - Tariff/tax exemptions (including VAT/Sales Tax)
  - Debt for equity swaps
  - Land use rights
  - Export credits and financing
  - Equity infusions
  - Provision of goods and services
  - Purchase of goods
  - Income or price support arrangements.



## Subsidy programmes

1. A “subsidy” is defined by paragraph 3(3) of Schedule 4 to the Act as either “a financial contribution by a foreign authority which confers a benefit” of a “a form of income or price support within the meaning of Article XVI of the General Agreement on Tariffs and Trade 1994”. Then, paragraph 3(2) of Schedule 4 to the Act defines a countervailable subsidy as “a subsidy which is specific and which is granted directly or indirectly for the manufacture, production, export or transport of goods”.

2. In short, to qualify as a countervailable subsidy against which countervailable duties may be imposed, the analysed biodiesel programmes should satisfy the following criteria: (i) be a financial contribution provided by a foreign authority, (ii) which provides a benefit to the recipient, (iii) which is specific to the biodiesel industry.

3. The 2008 original investigation on biodiesel imports from the USA, as extended to Canada, led to the following countervailing duties on US biodiesel exporters:

Company	Injury margin	Subsidy margin	Countervailing duty rate
Archer Daniels Midland Company	54.5%	35.1%	35.1%
Cargill Inc.	64.4%	34.5%	34.5%
Green Earth Fuels of Houston LLC	51.3%	39.0%	39.0%
Imperium Renewables Inc.	41.6%	29.1%	29.1%
Peter Cremer North America LP	77.2%	41.0%	41.0%
Vinmar Overseas Limited	76.4%	41.1%	41.1%
World Energy Alternatives LLC	46.1%	37.6%	37.6%
Cooperating non sampled companies	56.2%	36.0%	36.0%

Source: 2009 EU Regulation 598/2009 imposing definitive countervailing duties<sup>49</sup>

4. As shown in the table below, **five subsidy programmes in force in the USA** were found to be countervailable during the original investigation. The biodiesel tax credit programme however represented 89-100% of the countervailing duty rate calculated during the original investigation for each US sampled exporter:

<sup>49</sup> Council Regulation (EC) No 598/2009 of 7 July 2009 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in the United States of America, OJ L 179, 10 July 2009, p. 1.



Company \ Scheme	Biodiesel tax Credit	Small Agri-biodiesel Producer Income Tax credit	Missouri qualified producer incentive fund	Texas fuel ethanol and biodiesel production incentive program	Washington state biofuels production tax exemption	Total
Archer Daniels Midland Company	31.3%		3.8%			35.1%
Cargill Inc.	34.1%	0.4%				34.5%
Green earth Huels of Houston LLC	38.7%			0.3%		39.0%
Imperium Renewables Inc.	28.4%				0.7%	29.1%
Peter Cremer North America LP	41.0%					41.0%
Vinmar Overseas Limited	41.1%					41.1%
World Energy Alternatives LLC	37.6%					37.6%

Source: 2009 EU Regulation 598/2009 imposing definitive countervailing duties<sup>50</sup>

5. The present application will assess whether these five US subsidy programmes found to be countervailable in the original investigation were still available to US biodiesel producers during the POI, as follows:

Subsidy name	Subsidy type
<b>Federal Subsidy Programme</b>	
The Biodiesel Credit and the Biodiesel Mixture credit	Tax Credit
Small Agri-biodiesel Producer Income Tax Credit	Tax Credit
<b>State Subsidy Programme</b>	
Iowa Biodiesel Production Incentive Program	Tax Credit
Texas – Fuel Ethanol and Biodiesel Production Incentive Program	Grant
Kentucky Biodiesel Production Credit	Tax Credit

6. In addition, the Applicant will review the subsidies identified in the original investigation and in the transition review, which however did not provide a benefit at

<sup>50</sup> Council Regulation (EC) No 598/2009 of 7 July 2009 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in the United States of America, OJ L 179, 10 July 2009, p. 1.



the time they were investigated. These subsidy programmes are analysed in *Appendix F.0: Subsidy Table*.

7. Finally, the Applicant has identified additional subsidy programmes applicable to biodiesel in the USA, both at the Federal and Statal level. These subsidy programmes are analysed in *Appendix F.0: Subsidy Table*.

8. Appendix F.0 provides the following publicly available information about these subsidy programmes: (i) the name of the subsidy measure; (ii) the commencement date of the measure; (iii) value of the subsidies granted under the measure; (iv) the periodicity of the measure; (v) the eligibility criteria to apply the measure, and (vi) the region where the measure is applicable.

To understand if there has been a financial contribution, we need to identify if:

- there has been a direct transfer of funds from a foreign authority, including making money and financial resources available;
- there has been a potential direct transfer of funds from a foreign authority, including a commitment to transfer funds;
- revenue that is rightfully due to government has not been collected (waived or deferred), including, taxes, debt, derivatives, or dividends;
- goods and services have been provided for by a foreign authority, at a lower amount than normally would have been paid;
- goods were purchased from a producer by a foreign authority, that artificially increases the revenue gained from selling the goods; or
- a foreign authority has:
  - made payments through a financial mechanism, or
  - entrusted or directed a private body to carry out any of the above functions.

1. The legal framework for an expiry review provided by regulation 70(5)(a) of the Regulations<sup>51</sup> requires that an expiry review application must include evidence of whether the subsidisation of the goods subject to review are likely to continue or recur, should measures be discontinued.

2. As shown below, since the imposition of countervailing duties in 2009 and its successive reconductions, first at the European Union level and then during the

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<sup>51</sup> Trade Remedies (Dumping and Subsidization) (EU Exit) Regulations 2019.



2020 transition review conducted by the TRA, there has been no fundamental change in the situation of the subsidization of the US biodiesel industry which still benefit from massive subsidies to stay in business and disrupt export markets.

## 1. Federal subsidy schemes

### 1.1. The Biodiesel Mixture Credit<sup>52</sup> and the Biodiesel Credit<sup>53</sup>

1. The programme was found to be countervailable in the original investigation. For the reasons explained below, the previous findings are still applicable today.

#### ❖ *Legal basis*

1. Title 26, Section 40A and sections 6426 and 6427 of the US Code (U.S.C.) are the legal basis for a tax credit scheme for biodiesel blenders, retailers and end-users. They provide for the following biodiesel fuel credits: (i) the biodiesel mixture credit ('USD 1/gallon scheme'); and (ii) the biodiesel credit.

2. These tax credits were replaced in January 2025 by the tax credit provided under Clean Fuel Production Credit<sup>54</sup>.

#### ❖ *Eligibility*

3. The **Biodiesel Mixture Credit** provides a credit of USD 1.00 for each gallon of biodiesel used to create a mixture of biodiesel and diesel fuel that is sold as fuel. It is the blending activity that triggers the eligibility for the credit. The person claiming the incentive must obtain a certification from the producer or importer of the biodiesel that identifies the product and the percentage of biodiesel in the product. This credit takes the form of an excise tax credit or, if a company's excise tax liability is less than the total excise tax credit, the company may then claim the residual credit as a refundable income tax credit. A refundable income tax credit is a credit against the taxpayer's income taxes or a direct payment. It is refundable because the excess credit can be disbursed to the taxpayer as a direct cash payment if the credit is greater than the individual's tax liability.

4. The **Biodiesel Credit** provides a credit of USD 1.00 per gallon for all types of unmixed (neat) biodiesel used as fuel. It is a non-refundable income tax credit for retailers or end-users of neat (pure) biodiesel. The neat biodiesel credit is available only to the person who places the gallon of neat biodiesel into the fuel tank of a vehicle or uses it as fuel. It should be noted that also biodiesel producers, producing

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<sup>52</sup> Appendix F.1 to F.13.

<sup>53</sup> Appendix F.14.

<sup>54</sup> Appendix F.15 – F.18.



their own biodiesel, would be able to receive this credit. Thus, to claim the credit, the biodiesel producer must be acting as either a retailer (putting the gallon of biodiesel into the end-user's gas tank) or an end-user (e.g. putting the biodiesel into his own vehicles).

5. Both programmes have been in place in the US Federal legislation since 2005 and were systematically reinstated from 2005 until 31 December 2024. On 31 December 2022, while the tax credits were due to expiry, they were retroactively reinstated by the Inflation Reduction Act until 31 December 2024.

*Appendix F.13 - Inflation Reduction Act, Section 13201*

6. On 1 January 2025, the *Clean Fuel Production Credit* (CFPC) reinstated these two subsidy programmes, although adjusting them to ensure the credit will apply for the future to US biodiesel producers (and not to blenders, retailers or end-users). The CFPC has been created in 2022.

*Appendix F.13 - Inflation Reduction Act, Section 13704*

7. According to Section 13704 of the Inflation Reduction Act 2022, the CFPC was due to enter into force after 31 December 2024:

*“SEC. 13703. Clean Fuel Production Credit.*

*(a) In General.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:*

*“SEC. 45Z. Clean Fuel Production credit.*

*(c) Effective Date. – The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.”*

8. The CFPC provides a credit of USD 1.00 for each gallon of biodiesel produced and sold as transportation fuel. It is the production activity that triggers the eligibility for the credit.

9. To be eligible for this maximum credit amount, producers must meet prevailing wage and registered apprenticeship requirements (W&A requirements). To satisfy the wage requirements, labourers and mechanics constructing, altering, or repairing a facility, must be paid wages at or above the "prevailing wage" (as determined by the Secretary of Labor) of workers performing similar work in the



same locality. The apprenticeship requirements stipulate that registered apprentices must provide at least 12.5% (if the facility begins construction in 2023) or 15% (if the facility begins construction after 2023) of the labour hours associated with constructing, altering, or repairing any facilities claimed under the CFPC. For producers not meeting the W&A requirements, the maximum credit is USD 20 cents per gallon.

10. The producers claiming the incentive must be registered with the Internal Revenue Service (IRS) and its production facilities must be in the US. As clarified by IRS Notice 2025-10, production “*begins with the processing of primary feedstock(s) and ends with a transportation fuel ready to be sold in a qualifying sale*”, and “*does not include instances in which a person engages in minimal processing, such as blending a fuel mixture or otherwise engaging in activities that do not result in a chemical transformation*”.

*Appendix F.17 – IRS, Notice 2025-10, Section 45Z Clean Fuel Production Credit; Request for Public Comments, 10 January 2025, page 11*

11. Additionally, the fuel produced must be considered “clean”. In this respect, the fuel must comply with the following: have a lifecycle emission of no more than 50 kilograms of CO<sub>2</sub> or CO<sub>2</sub> equivalent per 1 million British Thermal Units (mmBTU) and be suitable for use as a fuel in highway vehicle or aircraft. This suitability requirement requires that “*the fuel either has practical and commercial fitness for use as a fuel in a highway vehicle or aircraft, or may be blended into a fuel mixture that has practical and commercial fitness for use as a fuel in a highway vehicle or aircraft*”<sup>55</sup>.

12. This credit takes the form of a non-refundable excise tax credit. If the company exceeds its tax liabilities, it will not be able to receive the difference as a refund through cash payments. This credit may be claimed by taxpayers producing and selling qualifying transportation fuel until 31 December 2027.

13. The CFPC provides a benefit that is identical to the previous biodiesel tax credits, namely USD 1.00 for each gallon of biodiesel produced and sold as transportation fuel. As reported by the Joint Committee on Taxation, the CFPC was designed to replace the existent “*assortment of income tax credit, excise tax credit*

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<sup>55</sup> Appendix F.17 – IRS, Notice 2025-10, Section 45Z Clean Fuel Production Credit; Request for Public Comments, 10 January 2025, page 10.



*and payment provisions for various biofuels”, including incentives for biodiesel, with a “new general business credit, the Clean Fuel Production Credit”.<sup>56</sup>*

*Appendix F.18 - Joint Committee on Taxation, General Explanation of Tax Legislation Enacted in the 117<sup>th</sup> Congress, December 2023, Pages 278 – 281*

## ❖ Legal analysis

### **(i) Financial contribution**

14. The biodiesel tax credit - now in the form of the CFPC - provides a financial contribution by the Government of the United States of America in the form of revenue forgone which is otherwise due (tax offset), in the meaning of Regulation 20(1)(b) of the Regulation. This is identical to previous biodiesel tax credits, except that, unlike the former biodiesel mixture credit, the CFPC does no longer offer the possibility to receive direct grants (cash payments).

### **(ii) Benefit**

15. The CFPC scheme provides a subsidy of USD 1 per gallon for manufacturing biodiesel. The incentives thus confer a benefit on the producing companies receiving them, in the meaning of Regulation 21 of the Regulation.

16. Under the former Biodiesel Mixture Credit and Biodiesel Tax Credit, producers of biodiesel could claim the incentive when they performed blending activity. Under the current CFPC, US producers must be engaged in the production of biodiesel to benefit from the tax credit.

17. US biodiesel producers continue benefiting from this subsidy programme during the POI. As mentioned in the 2024 annual report of ADM - a large biodiesel producer on the US:

*“Biodiesel tax incentives have been provided through various U.S. statutes. The Blenders’ Tax Credit (BTC) is the primary regulation, applicable to qualifying biodiesel. The BTC has lapsed and been reinstated numerous times over the last decade. The Inflation Reduction Act of 2022 extended the BTC through December 31, 2024 and established a new Clean Fuel Production*

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<sup>56</sup> Appendix F.18 - Joint Committee on Taxation, General Explanation of Tax Legislation Enacted in the 117th Congress, December 2023, Pages 278 – 281.



*Credit (CFPC) effective January 1, 2025. For the year ended December 31, 2024, the Company recorded a benefit of \$316 million related to the BTC.”<sup>57</sup>*

18. Thus, during part of the POI (Q3 and Q4 2024), US producers still benefited from the former Biodiesel Mixture Credit and Biodiesel Tax Credit, while during Q1 and Q2 2025, US biodiesel producers benefited from CFPC.

### **(iii) Specificity**

19. The scheme is limited to companies involved in the production of “clean transportation fuel” and is, therefore, specific under Regulation 22 of the Regulations.

20. In view of the above, the CFPC constitutes a countervailing subsidy in the sense paragraph 3 of Schedule 4 to the Act. The amount of subsidy remains identical for companies meeting the conditions specific in the law.

## **1.2. The Small Agri-biodiesel Producer Income Tax Credit<sup>58</sup>**

2. The programme was found to be countervailing in the original investigation. For the reasons explained below, the previous findings are still applicable today.

### **❖ Legal basis**

21. Title 26, Section 40A(b)(4) of the USC is the legal basis for a small agri-biodiesel producer income tax credit.

22. This tax credit has been in place in the US Federal legislation since 2005 and has been repeatedly reinstated with retroactive effect. Recently, section 70521 of the Public Law 119-21 retroactively reinstated this subsidy scheme, until 31 December 2026.

*Appendix F.20 - Public Law 119-21*

*Appendix F.21 - Title 26, Section 40A(b)(4) of the USC*

### **❖ Eligibility**

23. Small agri-biodiesel producers can claim this USD 0.20 non-refundable general business income tax credit for each gallon of agri-biodiesel produced.

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<sup>57</sup> Appendix F.19 – ADM, Annual Report, 2024, page 35.

<sup>58</sup> Appendix F.20 – F.21.



24. An "agri-biodiesel" is defined as biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, mustard seeds, and camelina, and from animal fats.

25. An "eligible small agri-biodiesel producer" is defined as a person who, at all times during the taxable year, has a productive capacity for agri-biodiesel not in excess of 60 million gallons.

26. For the producer to claim the credit, the agri-biodiesel must be used as a fuel, sold for use as a fuel, or used to create a mixture of biodiesel and diesel fuel that is used as a fuel or sold for use as a fuel.

#### ❖ Legal analysis

##### (i) Financial contribution

27. Small agri-biodiesel producers can claim this USD 0.20 non-refundable general business income tax credit for each gallon of agri-biodiesel produced<sup>59</sup>. This amounts to 60 \$ for each tonne of qualified agri-biodiesel sold to be blended or used as fuel. The qualified production of a producer may not exceed 15 million gallons in any taxable year.

28. This is a financial contribution - in the meaning of Regulation 20(1)(b) of the Regulation - granted by the Government of the United States of America in the form of revenue forgone which is otherwise due (tax offset).

##### (ii) Benefit

29. The Small Agri-biodiesel Producer Income Tax Credit scheme provides USD 0.20 for each gallon of qualified agri-biodiesel produced. The incentives thus confer a benefit on the producing companies receiving them. This is a benefit in the meaning of Regulation 21 of the Regulation

##### (iii) Specificity

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<sup>59</sup> Defined generally as persons whose agri-biodiesel production capacity does not exceed 60 million gallons per year.



30. The subsidy is limited to small agri-biodiesel producers, which satisfy the eligibility conditions set by the law (see above).

31. In view of the above, the Small Agri-biodiesel Producer Income Tax Credit constitutes a countervailing subsidy in the sense of paragraph 3 of Schedule 4 to the Act and remained available to US biodiesel producers during the POI. The amount of subsidy remains identical for companies meeting the conditions specific in the law.

## 2. State subsidy schemes

1. The following three State subsidy schemes were found countervailable and still in place in the transition review and are examined for the purpose of this expiry review.

### 2.1. Iowa Biodiesel Producers Tax Refund<sup>60</sup>

2. The Iowa Biodiesel Producers Tax Refund was found to be a countervailable subsidy by the TRA in the transition review<sup>61</sup> and by the European Commission in the 2021 expiry review<sup>62</sup>.

#### ❖ *Legal basis*

3. The Iowa Biodiesel Producers Tax Refund is established by the Iowa Department of Revenue under Section 423.4(9) of the Iowa Code.

*Appendix F.22: Iowa Code Section 423.4(9)*

#### ❖ *Eligibility*

4. The tax credit is available to qualified biodiesel producer, i.e. a producer engaged in the manufacturing of biodiesel and registered with the US environmental protection agency as a manufacturer. The programme is set to expire on 1 January 2028.

#### ❖ *Legal analysis*

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<sup>60</sup> Appendix F.22 - Iowa Code Section 423.4(9).

<sup>61</sup> TRA, Statement of Essential Facts, TS0005, para 129-130.

<sup>62</sup> Commission Implementing Regulation (EU) 2021/1267 of 29 July 2021 imposing definitive countervailing duties on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 18 of Regulation (EU) 2016/1037 of the European Parliament and of the Council (OJ L 277, 2 August 2021, pp. 62-98), (hereafter 'EU Regulation 2021/1267 of 29 July 2021'), recital 96-104.



**(i) Financial contribution**

5. The Iowa Biodiesel Producers Tax Refund provides a refund for each gallon of biodiesel produced in Iowa, limited to the first 25 million gallons produced at each facility. The amount of the refund shall be calculated by multiplying 4 cents (designated rate) by the total number of gallons of biodiesel produced by the biodiesel producer in this state during each quarter of a calendar year.

6. This qualifies as a financial contribution in the form of revenue foregone which is otherwise due - in the meaning of Regulation 20(2) of the Regulation.

**(ii) Benefit**

7. The Iowa Biodiesel Producers Tax Refund scheme provides a subsidy for each gallon of biodiesel fuel produced in Iowa during the tax year for which the tax credit is claimed. Eligible biodiesel producers must introduce a refund claim providing data on the number of biodiesel gallons produced during the quarter. The Department of Revenue reviews the refund claim and, if approved, refunds each eligible biodiesel producer.

8. The incentives thus confer a benefit - in the meaning of Regulation 21 of the Regulation - on the producing companies receiving them.

**(iii) Specificity**

9. The subsidy is limited to Iowa biodiesel producers, which satisfy the eligibility conditions set by the law (see above). The programme is specific, in the sense of Regulation 22 of the Regulations.

10. In view of the above, the Iowa Biodiesel Producers Tax Refund constitutes a countervailing subsidy in the sense paragraph 3 of Schedule 4 to the Act and remained available to US biodiesel producers during the POI. The amount of subsidy remains identical for companies meeting the conditions specific in the law.

**2.2. Texas Biodiesel Production Incentive Programme<sup>63</sup>**

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<sup>63</sup> Appendix F.23 to F.25.



11. The Texas Biodiesel Production Incentive Programme was found to be a countervailable subsidy by the TRA in the transition review<sup>64</sup> and by the European Commission in the 2021 expiry review<sup>65</sup>.

❖ **Legal basis**

12. The legal basis for this credit scheme is Chapter 16 of the Texan Agriculture Code.

*Appendix F.23 - Chapter 16 of the Texas Agriculture Code*

❖ **Eligibility**

13. The Texas Biodiesel Production Incentive Programme establishes that producer that paid a fee of USD 0.10 per gallon of biodiesel produced in a registered plant until the 10th anniversary of the date production from the plant begins.

14. To be eligible for a grant for biodiesel produced in a plant, a producer must apply to the office for the registration of the plant. A producer may apply for the registration of more than one plant. A registered plant was required to submit monthly production reports and a quarterly report certified by a Certified Public Accountant.

15. The scheme became effective in September 2003 but the first payments under this scheme were not made until June 2006 because no funds were appropriated until fiscal year September 2005 to August 2006. The scheme has not been operational since 31 August 2007, as the Texan Legislature ceased funding the scheme as of the 2008-09 appropriations biennium (September 2007 to August 2009). In legal terms, the scheme still exists in Texas, since Chapter 16 is still in force.

❖ **Legal analysis**

**(i) Financial contribution**

16. The Texas Biodiesel Production Incentive Programme establishes that registered Producers that paid a fee of 1,6 cents for each gallon of biodiesel produced are entitled to receive the grant amounting to 10 cents for each gallon of biodiesel produced in each registered plant (in the limit of 18 million gallons annually per plant) until the 10th anniversary of the date production from the plant begins.

<sup>64</sup> TRA, Statement of Essential Facts, TS0005, para 127-128.

<sup>65</sup> EU Regulation 2021/1267 of 29 July 2021, recital 114-121.



17. The programme provides a financial contribution by the Government of the United States of America in the form of direct grants, in the meaning of Regulation 20(1) of the Regulation.

**(ii) Benefit**

18. The subsidy provides biodiesel producers in Texas with a financial grant per gallon produced, which reduces production costs and encourages increased output. The incentives thus confer a benefit in the meaning of Regulation 21 of the Regulation.

**(iii) Specificity**

19. The subsidy is limited to Texas biodiesel producers, which satisfy the eligibility conditions set by the law (see above) and is thus specific – as provided by Regulation 22 of the Regulations.

20. In view of the above, the Texas Biodiesel Production Incentive Programme constitutes a countervailing subsidy in the sense paragraph 3 of Schedule 4 to the Act and remained available to US biodiesel producers during the POI. The amount of subsidy remains identical for companies meeting the conditions specific in the law.

### **2.3. Kentucky Biodiesel Production Tax Credit<sup>66</sup>**

21. The Kentucky Biodiesel Production Tax Credit was found to be a countervailable subsidy by the TRA in the transition review<sup>67</sup> and by the European Commission in the 2021 expiry review<sup>68</sup>.

❖ **Legal basis**

22. Under the Kentucky Revised Statutes 141.422 and 141.423, a non-refundable tax credit of \$1.00 per gallon is allocated for biodiesel or renewable diesel produced or blended in Kentucky.

*Appendix F.26 - Kentucky Revised Statutes 141.422 and 141.423*

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<sup>66</sup> Appendix F.26 and F.27.

<sup>67</sup> TRA, Statement of Essential Facts, TS0005, para 131-132.

<sup>68</sup> EU Regulation 2021/1267 of 29 July 2021, recital 105-113.



### ❖ *Eligibility*

23. To be eligible, the applicant must be a biodiesel producer, blender, or renewable diesel producer located in Kentucky. The produced biodiesel must meet ASTM D6751 standards and the blended biodiesel must contain at least 2% biodiesel (B2 or greater).

### ❖ **Legal analysis**

#### **(i) Financial contribution**

24. The Kentucky Biodiesel Production Tax Credit provides a non-refundable tax credit of \$1.00 per gallon for biodiesel or renewable diesel produced or blended in Kentucky. There is a \$10 million annual cap and no carry forward is allowed.

25. The programme provides for a financial contribution by the Government of the United States of America in the form of a revenue foregone which is otherwise due, in the meaning of Regulation 20(2) of the Regulation.

#### **(ii) Benefit**

26. The tax credit supports Kentucky's renewable energy sector by incentivizing local biodiesel and renewable diesel production. It encourages investment in clean fuel technologies and promotes economic activity in rural and industrial areas.

27. The incentives thus confer a benefit on the producing companies receiving them, in the meaning of Regulation 21 of the Regulation.

#### **(iii) Specificity**

28. The subsidy is limited to biodiesel producers from the State of Kentucky, which satisfy the eligibility conditions set by the law (see above), and is thus specific – as provided by Regulation 22 of the Regulations.

29. In view of the above, the Kentucky Biodiesel Production Tax Credit constitutes a countervailing subsidy in the sense paragraph 3 of Schedule 4 to the Act and remained available to US biodiesel producers during the POI. The amount of subsidy remains identical for companies meeting the conditions specific in the law.

### **3. Other subsidies potentially available to the US biodiesel industry**



1. As mentioned above, there are subsidy programmes which were analysed during the original investigation and while they were found to be countervailable, they did not provide a benefit to the US biodiesel producers during the analysed period of the original investigation:

<b>Other subsidy programmes identified during the original investigations – No benefit provided</b>
<b>Federal subsidy programmes<sup>69</sup></b>
USDA Bioenergy Programme for Advanced Biofuels (BPAB)
<b>State subsidy programmes<sup>70</sup></b>
Missouri - Qualified Biodiesel Producer Incentive Fund
Kansas - Qualified biodiesel fuel producer incentive
Washington - State Biofuels Production Tax Exemption

2. These subsidy programmes are analysed in Appendix F.0: Subsidy Table.

3. In addition, the Applicant has identified new subsidy programmes in the US biodiesel sector as follows:

No	Programme name	Subsidy type
<b>Federal Scheme</b>		
1	Advanced Energy Research Project	Grant
2	Alternative Fuel Tax Credit	Tax Credit
3	USDA Higher Blends Infrastructure Incentive Programme (HBIIP)	Grant
4	Rural Energy for America Program Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants (REAP)	Grant and guaranteed loan
<b>State Scheme</b>		
5	Alabama - Biofuel Production Jobs Tax Credit	Tax Credit
6	Illinois - Biofuels Tax Exemption	Tax Exemption
7	Iowa - Renewable Fuel Infrastructure Program	Grant
8	Michigan - Incentive program for in-state sale and production biodiesel	Tax Credit
9	Montana - Biodiesel Tax Exemption	Tax Exemption
10	Montana - Refund for taxes paid on biodiesel by distributor or retailer	Tax Credit

<sup>69</sup> The Credit for Production of Cellulosic Biofuel scheme has not been analysed in detail as it was found to be no longer active.

<sup>70</sup> The Florida Biofuels Investment Tax Credit scheme has not been analysed in detail as it was found to be no longer active.



11	New Mexico - Biodiesel Blending Facility Tax Credit	Tax Credit
12	North Dakota - Biodiesel and HVO Blender Tax Credit	Tax Credit
13	North Dakota - Biodiesel and HVO Sales Equipment Tax Credit	Tax Credit
14	North Dakota - Agriculturally Derived Fuel Production Facility Loan Guarantees	Loan Guarantee
15	North Dakota - Clean Sustainable Energy Authority	Grant
16	North Dakota Biofuels Partnership in Assisting Community Expansion (PACE) Loan Program	Loan Interest
17	Oregon - Production Property Tax Exemption (as part of the Rural Renewable Energy Development (RRED) Zone	Tax Exemption
18	South Dakota - Biodiesel Blend Tax Credit	Tax Credit
19	South Dakota - Biodiesel tax reduction	Tax Exemption
20	South Dakota - Tax Refund for Methanol Used in Biodiesel Production	Tax Credit

4. The WTO jurisprudence allows for the examination of new subsidies in the context of an expiry review, if they have a sufficiently close link to the subsidies that resulted in the imposition of the original countervailing duty. In this context, the Appellate Body Report in the case *US – Carbon Steel (India)* provided the following:

*"We consider that Articles 21.1 and 21.2 limit the type of new subsidy allegations that may be examined in an administrative review. As discussed above, Article 21.1 provides that a countervailing duty shall remain in force only as long as and to the extent necessary to counteract subsidisation which is causing injury, while Article 21.2 grants interested parties the right to request an investigating authority to examine whether the continued imposition of the duty is necessary to offset subsidization. These provisions expressly link the subsidization to the original countervailing duty imposed. **This suggests that the only 'new subsidies' that may be examined as part of the 'subsidization' in an administrative review are those that have a sufficiently close link to the subsidies that resulted in the imposition of the original countervailing duty.** Moreover, Article 21.2 requires the investigating authority to assess whether 'the injury would be likely to continue or recur if the duty were removed or varied, or both.' Hence, **only the new subsidies that would inform this enquiry may properly be considered by an investigating authority in the conduct of an administrative review.** The use of the words 'continue' and 'recur', in particular, indicate that there must be a **sufficiently close link or similarity between the injury resulting from the original subsidization and the new subsidies being proposed for examination in the administrative review.**"<sup>71</sup>*

<sup>71</sup> Appellate Body Report, *United States – Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India*, WT/DS436/AB/R, adopted 19 December 2014, para. 4.541.



5. The above-mentioned subsidy schemes are detailed in Appendix F.0.

6. The Applicant thus believes that these new subsidy programmes should also be examined by the TRA during the expiry review investigation, as they have close link with the subsidy schemes originally examined, notably due to similarity in the subsidy types (tax credits or grants), in their functioning (subsidy granted per fiscal year), or in their effects (incentive to produce biodiesel).

7. It results from the above that there is a continuation of subsidization in the US biodiesel sector during the POI, at subsidy levels that might be even higher as those found in the original investigation.

| Appendix reference: [Appendix F.0](#).

2. For all subsidy programmes listed above, please explain and provide documentary evidence of the subsidy programme (the financial contribution), including:

- the subsidy programme’s commencement date;
- the subsidy amount or value; and
- the frequency of subsidy i.e. one-off or re-occurring.

Please refer to responses to question 1 in the present section.

| Appendix reference: [Appendix F.0](#).

3. For all subsidy programmes listed above, please explain and provide documentary evidence that the subsidy has been (or is still being) provided by a foreign authority.

Please refer to responses to question 1 in the present section.

| Appendix reference: [Appendix F.0](#).

As well as establishing that a subsidy is in place, we need to understand the benefit it confers on the recipient. A benefit cannot exist theoretically – it has to be received by a recipient. It is important to note that the recipient of the benefit doesn’t necessarily need to be the same recipient that received the financial contribution. For example, a subsidy provided to an upstream industry provides a benefit to a downstream industry.



4. For all subsidy programmes listed above, please explain and provide documentary evidence of the effect of the subsidy on the production and sales of the goods being imported to the UK.

Please refer to responses to question 1 in the present section.

Appendix reference: [Appendix F.0](#).

5. For all subsidy programmes listed above, please explain and provide documentary evidence of the specific nature of the subsidy, including:
- conditions of eligibility to receive the subsidy;
  - all known recipients of the subsidy;
  - whether the subsidy is only available to certain regions or territories within the exporting country.

Please refer to responses to question 1 in the present section.

Appendix reference: [Appendix F.0](#).

## Calculating how much subsidy the imported goods attract

We need to understand the amount of subsidy which the subsidised imports receive. If we establish that a measure is needed to counteract the injury the goods are causing to the UK market, this will help us determine what sort of measure to recommend and at what level.

To make this calculation, we will need to establish:

- the total amount of the countervailable subsidy;
  - the amount of the countervailable subsidy that can be attributed to the POI; and
  - which goods the countervailable subsidy can be allocated to during the POI.
1. For all subsidy programmes listed above, please explain and provide documentary evidence about the total amount of countervailable subsidy that the imported goods attract. You will need to explain the calculation methodology used. It is the benefit to the recipient that matters, not the cost (or opportunity cost) to the foreign authority. You should refer to our [How we assess the benefit a subsidy provides](#) guidance to understand what is required.



1. As explained above and reproduced in the table below, the main subsidy which represented more than 90% of the countervailing duty rate was the biodiesel tax credit:

Company	Scheme	Biodiesel tax Credit	Small Agri-biodiesel Producer Income Tax credit	Missouri qualified producer incentive fund	Texas fuel ethanol and biodiesel production incentive program	Washington state biofuels production tax exemption	Total
Archer Daniels Midland Company		31.3%		3.8%			35.1%
Cargill Inc.		34.1%	0.4%				34.5%
Green earth Huels of Houston LLC		38.7%			0.3%		39.0%
Imperium Renewables Inc.		28.4%				0.7%	29.1%
Peter Cremer North America LP		41.0%					41.0%
Vinmar Overseas Limited		41.1%					41.1%
World Energy Alternatives LLC		37.6%					37.6%

Source: 2009 EU Regulation 598/2009 imposing definitive countervailing duties

2. Under this subsidy programme, which is still fully in force under the CFPC, US biodiesel producers are eligible to a \$1 per gallon subsidy for biodiesel produced and sold as transportation fuel, i.e. **\$300 per tonne of biodiesel produced**<sup>72</sup>. Thus, assuming that a US biodiesel producer manufactures 500 000 tonnes of biodiesel per year, it is legally entitled to **a fiscal incentive of \$150 million** during a fiscal year.

3. In addition, a significant number of federal and state subsidies, other than the \$1 per gallon tax credit, are also available to the US biodiesel industry.

4. The Applicant concludes that heavy subsidies are still available and used by the US biodiesel industry.

5. The Applicant also examined the likelihood of continuation of subsidisation, should the measures be repealed, notably in the light of foreseeable future developments of the policy of the US Government.

6. As shown above, the main subsidy scheme – the biodiesel tax credit – has never been discontinued since 2005 as the tax credits were systematically reinstated

<sup>72</sup> 1 US gallon = 3.785 liters. 1 tonne of biodiesel = 1,136 liters.



between 2005 and 2024. On 1<sup>st</sup> January 2025, the US government decided to grant more stability for operators in the provision of the biodiesel tax credits, by incorporating it into the CFPC, which will thus be available every year (and not retroactively) until at least 31 December 2027.

7. As reported by the Congressional Research Service, the CFPC has been designed with the aim to “*consolidates and replaces several fuel-related credits that expired at the end of 2024, including credits for biodiesel, biodiesel mixtures, agri-biodiesel, renewable diesel, second-generation biofuel, mid-level ethanol blends, sustainable aviation fuel, alternative fuels, and alternative fuels mixtures.*”<sup>73</sup>. Moreover, an article from the “Tax Adviser” website from 1 June 2024 states that “*The Sec. 45Z clean fuel production credit (CFPC), effective Jan. 1, 2025, appears to largely consolidate and replace the expiring legacy incentives in a technology-neutral fashion, provided the fuels meet emissions and production standards.*”<sup>74</sup>.

8. This stability is notably the result of a renewed commitment of the US administration to support US biodiesel production. The Trump administration supports the complete biodiesel value chain, and specifically the farmers producing the relevant feedstocks. In a press release from Growth Energy dated 13 June 2025, the CEO of Growth Energy stated that the recently proposed “*RVOs [renewable volume obligations] secure an economic lifeline for the nation’s farmers and ethanol producers. EPA’s proposal will unlock investments, create jobs, and support growth in rural America, expanding renewable fuel production and creating the kind of certainty that spurs innovation and truly unleashes American energy dominance*”<sup>75</sup>.

9. The current US administration is a supporter of the biodiesel industry, as notably evidenced by the increase in blending volumes of biodiesel within fossil fuels. A press release from Thomson Reuters dated 13 June 2025 reported that “*President Donald Trump’s administration (...) proposed to increase the amount of biofuels that oil refiners must blend into the nation’s fuel mix over the next two years, driven by a surge in biomass-based diesel mandates.*”<sup>76</sup> It should be noted that this increase in blending mandates does not alter the conclusions previously reached regarding the spare biodiesel capacity in the US. Indeed, the total biodiesel blending volume to be achieved is set at 24.02 billion gallons in 2026<sup>77</sup> (i.e. 80.03 billion tonnes), whereas

<sup>73</sup> Appendix F.28 – US Congress, The Section 45Z Clean Fuel Production Credit, 18 February 2025.

<sup>74</sup> Appendix F.29 – Article, The Tax Adviser, “The clean fuel production credit: A new incentive regime”, 1 June 2024.

<sup>75</sup> Appendix F-30 - Growth Energy: EPA’s RVO Proposal Upholds Commitment to Biofuels, Strengthens Rural America, 13 June 2025.

<sup>76</sup> Appendix F-31 – Press release, Thomson Reuters, “US EPA proposes higher biofuel blending volumes through 2027” 13 June 2025.

<sup>77</sup> *Ibidem*.



the planned renewable biodiesel production for the same year is estimated at 50.02 billion gallons<sup>78</sup> (i.e. 166 billion tonnes).

10. There is no element currently available that would indicate that the US Government intends to terminate the subsidization in the US biodiesel sector. As shown above, the main subsidy programme does not only apply to FAME biodiesel but also extends to HVO and SAF production in the US.

11. In conclusion, the countervailable subsidy schemes found in the present application give recurring benefits and, there is no indication that any changes to the schemes in the future are susceptible to stop the benefits recurring from them. Likewise, there are no indications that the schemes will be completely phased out in the foreseeable future, or that the US exporting producers would stop obtaining benefits under these schemes.

12. In view of the above, the Applicant concludes that there is a likelihood of continuation of subsidization in the US biodiesel sector.

13. It is thus likely that US producers will resume the exports of biodiesel at subsidised prices to the UK market if the countervailing measures were allowed to lapse.

Appendix reference:

[Appendix F.28](#)

[Appendix F.29](#)

[Appendix F.30](#)

[Appendix F.31](#)

2. For all subsidy programmes listed above, please explain and provide documentary evidence relating to the amount of the countervailable subsidy that can attributed to the period of investigation, including the calculation methodology you used. You should refer to our guidance on [Determining the amount of the subsidy that can be attributed to the period of investigation](#) when completing this section.

See response to Question 1 above.

Appendix reference: [N/A](#).

3. For all subsidy programmes listed above, please explain and provide documentary evidence relating to the goods the countervailable subsidy that can

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<sup>78</sup> *Ibidem*.



be attributed to during the period of investigation, including any calculation methodologies used. You should refer to our guidance on [Determining the amount of the subsidy that can be attributed to the period of investigation](#) when completing this section. We will be specifically looking at whether the subsidy is linked to the export of certain goods, the sale of certain goods, or to sales to a certain market.

See response to Question 1 above.

Appendix reference: [N/A](#).



## Section G: Injury

This section is about injury which the imports may be causing to the UK industry for the goods.

Injury as defined by the Act can refer to:

- Material injury, or the threat of material injury to the industry, or
- Material retardation of the establishment of the industry.

If your industry has suffered or is suffering material injury, all companies/associations involved in this application must complete the section G1 separately. This section should also be completed to represent the entire UK industry. Label each completed section clearly showing who it relates to.

If your industry is threatened with material injury but there is no injury yet, all companies/associations involved in this application must complete the section G1 separately. This section should also be completed to represent the entire UK industry. Label each completed section clearly showing who it relates to.

If your industry is nascent and is being or has been materially retarded, please contact us at [contact@traderemedies.gov.uk](mailto:contact@traderemedies.gov.uk).

### Material Injury

Material injury is determined through a number of injury indicators. Not all the injury factors need to indicate material injury, but all the factors need to be considered in order to establish material injury. These include, but are not limited to:

- Actual and potential decline in: sales, profit, output, market share, productivity, return on investments, or use of capacity;
  - Factors affecting domestic prices of the goods;
  - The magnitude of the margin of dumping and/or the amount of subsidy; and
  - Actual and potential negative effects on: cash flow, inventories, employment, wages, growth, ability to raise capital, or investments.
1. Please describe, with appropriate figures, how the UK industry for these goods has performed in terms of each of the above injury indicators for the POI, and injury period.
    - Explain how you have calculated the figures and substantiate your figures with evidence.



- Provide evidence for each indicator.
- If you don't know the exact figures for other UK producers, provide an estimate based on reasonable assumptions.
- State the methodology and assumptions that you used.

1. The legal framework for an expiry review provided by regulation 70(5)(b) of the Regulations requires that an expiry review application must include evidence of whether the injury caused by the dumped and/or subsidised goods is likely to continue or recur, should measures be discontinued.

2. For the reasons explained below, the Applicant is convinced that the injury to the UK biodiesel industry would recur if anti-dumping and countervailing duties imposed on biodiesel imports from the US were allowed to expire.

### 1. Contextual information about the UK biodiesel industry

3. While the UK biodiesel industry should have recovered from past injurious dumping and subsidisation of biodiesel from the USA, it was subsequently hit by additional unfair imports.

4. First, the decision taken by the TRA in its 2022 Final Recommendations to exclude US HVO imports from the scope of application of the anti-dumping and countervailing duties led to a replacement of US FAME imports by HVO imports, causing immediate material injury to the UK biodiesel industry. US dumped HVO imports had both volume and price effects during the period considered, including price suppression in the UK market, and a clearly negative impact on the UK industry's financial situation. The increase of unfair HVO imports originating in the US caused immediate and irreparable damage to the UK biodiesel industry, as illustrated by the closure of Greenergy's biodiesel plant in Immingham. As reported by the Financial Times in a press release dated 10 July 2025: "*The UK's biodiesel industry has come under pressure from an influx of US imports after the UK removed tariffs on US hydrotreated vegetable oil (HVO)*"<sup>79</sup>.

5. An anti-dumping investigation on HVO imports from the US has been initiated on 17 March 2025 to address these unfair imports. The case is ongoing.

<sup>79</sup> Appendix G-2 - Press release, Financial Times, "Trafigura-owned biodiesel plant to close in new blow to UK industry", 10 July 2025.



6. Second, the UK biodiesel industry was hit by a flood of Chinese dumped imports. To address this concern, the TRA opened an anti-dumping investigation on 5 June 2024. Chinese dumped imports had both volume and price effects during the period considered, including price suppression in the UK market, and a clearly negative impact on the UK industry’s financial situation. On 22 August 2025, the TRA released its Statement of Essential Facts in which it recommended the imposition of definitive duties.

7. In light of the above contextual information, most of the economic indicators of the UK biodiesel industry deteriorated during the period considered. The UK biodiesel industry is currently in a very critical economic and financial situation and needs stiff anti-dumping duties on HVO imports from the USA and on biodiesel imports from China, to restore a level playing field in the UK and allow growth in investment and employment levels.

**2. Economic situation of the UK biodiesel industry**

8. The assessment of the economic situation of the UK industry included an evaluation of all economic indicators having a bearing on the state of the UK industry during the period considered.

**a) Production, capacity and utilisation rate of the UK biodiesel industry**

9. The biodiesel production of the UK industry decreased by 13 % between 2022 and the POI, evolving from [Confidential: 484,480 – 655,473] tonnes in 2022 to [Confidential: 422,593 – 571,744] tonnes during the POI, as presented in the table below:

PRODUCTION OF THE UK BIODIESEL INDUSTRY				
In tonnes	2022	2023	2024	POI (Q3 24 – Q2 25)
Production	[Confidential: 484,480 – 655,473]	[Confidential: 461,784 – 624,767]	[Confidential: 439,498 – 594,615]	[Confidential: 422,593 – 571,744]
Index: 2022 = 100	100	95	91	87

Appendix G.1 - Injury data

10. The clear decrease in volume of production is not correlated with a decrease of the production capacity of the UK biodiesel industry. As exposed in the table below, the production capacity only minimally fluctuated between 2022 and the POI. An end-to-end comparison shows that the production capacity of the UK biodiesel industry remained stable during the period considered, with a capacity of [Confidential: 607,699 – 822,182] tonnes during the POI:



CAPACITY OF THE UK BIODIESEL INDUSTRY				
In tonnes	2022	2023	2024	POI (Q3 24 – Q2 25)
Production capacity	[Confidential: 614,732 – 831,696]	[Confidential: 602,961 – 815,770]	[Confidential: 616,923 – 834,660]	[Confidential: 607,699 – 822,182]
Index: 2022 = 100	100	98	100	99

Appendix G.1 - Injury data

11. Accordingly, and due to the decrease of production, the capacity utilisation of the UK biodiesel industry decreased by 12% between 2022 and the POI, from [Confidential: 67 – 91%] to [Confidential: 59 – 81%]:

CAPACITY UTILISATION OF THE UK BIODIESEL INDUSTRY				
In %	2022	2023	2024	POI (Q3 24 – Q2 25)
Capacity utilisation	[Confidential: 67 - 91]	[Confidential: 65 - 89]	[Confidential: 60 - 82]	[Confidential: 59 - 81]
Index: 2022 = 100	100	97	90	88

Appendix G.1 - Injury data

12. Similarly to the decrease in production volumes, there has been a significant decrease in the value of production of the UK biodiesel industry between 2022 and the POI. The decrease in production value has however been steeper than the decrease in production volumes, i.e. a 38% decrease between 2022 and the POI:

VALUE OF PRODUCTION OF THE UK BIODIESEL INDUSTRY				
GBP	2022	2023	2024	POI (Q3 24 – Q2 25)
Production	[Confidential: 850,400,000 – 1,060,000,000]	[Confidential: 300,200,000 – 900,200,000]	[Confidential: 290,700,000 – 860,400,000]	[Confidential: 260,500,000 – 810,200,000]
Index: 2022 = 100	100	69	64	62

Appendix G.1 - Injury data

#### b) Sales of the UK biodiesel industry, UK consumption and market shares

13. The volume of total domestic sales of the UK biodiesel industry increased over the period concerned, evolving from [Confidential: 161 050 - 217 891] tonnes in 2022 to [Confidential: 195 008 - 263 835] tonnes during the POI, i.e. an increase of 21%. As exposed in the table below, both the sales to related and unrelated companies increased during the period concerned:



SALES IN THE UK OF THE UK BIODIESEL INDUSTRY				
In tonnes	2022	2023	2024	POI (Q3 24 – Q2 25)
Sales to unrelated companies	[Confidential: 149,543 – 202,322]	[Confidential: 128,475 – 173,819]	[Confidential: 176,015 – 238,138]	[Confidential: 179,238 – 242,499]
Sales to related companies	[Confidential: 12,000 – 15,000]	[Confidential: 4,500 – 6,200]	[Confidential: 15,000 – 20,100]	[Confidential: 16,200 – 20,100]
Total sales	[Confidential: 161,050 – 217,891]	[Confidential: 133 002 - 179 943]	[Confidential: 190,500 – 257,736]	[Confidential: 195,008 – 263,835]
Index: 2022 = 100	100	83	118	121

Appendix G.1 - Injury data

14. The above analysis shows that over the same period, the production of the UK biodiesel industry decreased, while its sales increased. This prima facie incoherence is explained by the decrease of export sales of the UK biodiesel industry.

15. The table below shows that while domestic sales increased over the period concerned, the export sales decreased, evolving from [Confidential: 327 646 - 443 287] tonnes in 2022 to [Confidential: 233 979 - 316 560] tonnes in the POI. Accordingly, the total sales (domestic + exports) of the UK biodiesel industry decreased by 12% between 2022 and the POI, and the volumes with the production during the same period:

UK SALES AND EXPORT SALES OF THE UK BIODIESEL INDUSTRY				
In tonnes	2022	2023	2024	POI (Q3 24 – Q2 25)
Total UK sales	[Confidential: 161,050 – 217,891]	[Confidential: 133,002 – 179,943]	[Confidential: 190,500 – 257,736]	[Confidential: 195,008 – 263,835]
Total export sales	[Confidential: 327,646 – 443,287]	[Confidential: 329,483 – 445,772]	[Confidential: 254,410 – 344,203]	[Confidential: 233,979 – 316,560]
Total sales (UK and export)	[Confidential: 489,000 – 661,000]	[Confidential: 462,000 – 626,000]	[Confidential: 445,000 – 602,000]	[Confidential: 429,000 – 580,000]
Index: 2022 = 100	100	95	91	88
Production	[Confidential: 484,480 – 655,473]	[Confidential: 461,784 – 624,767]	[Confidential: 439,498 – 594,615]	[Confidential: 422,593 – 571,744]
Index: 2022 = 100	100	95	91	87

Appendix G.1 - Injury data

16. The UK biodiesel consumption has significantly decreased over the period concerned, evolving from [Confidential: 1,262,000 – 1,708,000] tonnes in 2022 to [Confidential: 692,000 – 937,000] tonnes during the POI, i.e. a 45% decrease. The decrease in consumption has been translated in a steep decrease in imports of biodiesel into the UK, from 1,295,835 tonnes in 2022 to 585,345 tonnes during the POI. Therefore, the market share of the UK biodiesel industry increased by 15% over the period concerned, as exposed in the table below:



SALES IN THE UK OF THE UK BIODIESEL INDUSTRY, UK CONSUMPTION AND MARKET SHARES				
	2022	2023	2024	POI (Q3 24 – Q2 25)
UK sales (all) – (tonnes)	[Confidential: 161,000 – 218,000]	[Confidential: 133,000 – 180,000]	[Confidential: 190,000 – 258,000]	[Confidential: 195,000 – 264,000]
Total imports (tonnes)	1,295,835	1,278,951	709,284	585,345
UK consumption (tonnes)	[Confidential: 1,262,000 – 1,708,000]	[Confidential: 1,220,000 – 1,651,000]	[Confidential: 793,000 – 1,073,000]	[Confidential: 692,000 – 937,000]
Index: 2022 = 100	100	97	63	55
Market shares of the UK industry (%)	[Confidential: 10-16%]	[Confidential: 8-14%]	[Confidential: 20-27%]	[Confidential: 24-31%]

Appendix G.1 – Injury data; E.1 – HMRC imports biodiesel into the UK

17. Nevertheless, the [Confidential: 24 - 31%] of market share for the UK industry reached during the POI remains a modest level and is does not align with the capacity of the UK biodiesel industry.

### c) Costs of production, sales price and profit

18. The table below shows that the costs of production of the UK biodiesel industry decreased between 2022 and 2024 and increased between 2024 and the POI. The costs of production during the POI reached [Confidential: 1 231 - 1 667] GBP/tonne, i.e. a 17% price decrease comparing to 2022:

COSTS OF PRODUCTION, SALES PRICE AND PROFIT				
	2022	2023	2024	POI (Q3 24 – Q2 25)
Costs of production (GBP/tonne)	[Confidential: 1,481 – 2,004]	[Confidential: 1,359 – 1,840]	[Confidential: 1,232 – 1,668]	[Confidential: 1,231 – 1,667]
Index: 2022 = 100	100	92	83	83

Appendix G.1 - Injury data

19. The sales price of the UK biodiesel industry followed a similar trend to the evolution of the costs of production, but at a higher intensity. As exposed in the table below, the sales price decreased by 23% over the period concerned, evolving from [Confidential: 1,333 – 1,805] GBP/tonnes in 2022 to [Confidential: 1,021 – 1,382] GBP/tonnes during the POI:

COSTS OF PRODUCTION, SALES PRICE AND PROFIT				
	2022	2023	2024	POI (Q3 24 – Q2 25)
Sales price (GBP/tonne)	[Confidential: 1,333 – 1,805]	[Confidential: 1,081 – 1,464]	[Confidential: 1,011 – 1,369]	[Confidential: 1,021 – 1,382]



Index: 2022 = 100	100	81	76	77
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Appendix G.1 - Injury data

20. While the UK biodiesel industry should have benefited from the decrease of the production costs, it had to reduce its selling price due to pressure from third-country imports, notably Chinese dumped imports and HVO imports from the US which competed with sales of domestic FAME. This had a dramatic impact on the profitability of the UK biodiesel industry which remained at [Confidential: Information pertaining to the evolution of the profit margin of the UK biodiesel industry, which disclosure would confer an unfair advantage to competitors. Ranges and indexes are provided below as a non-confidential summary] during the entire analysed period, and decreased by 33% between 2022 and the POI:

COSTS OF PRODUCTION, SALES PRICE AND PROFIT				
	2022	2023	2024	POI (Q3 24 – Q2 25)
Profit margin (%)	[Confidential]	[Confidential]	[Confidential]	[Confidential]
Index: 2022 = 100	NA	NA	NA	NA

Appendix G.1 - Injury data

21. The above profitability data shows that the UK biodiesel industry operated [Confidential: Information pertaining to the evolution of the profit margin of the UK biodiesel industry, which disclosure would confer an unfair advantage to competitors. Ranges and indexes are provided above as a non-confidential summary] of the injury period and the POI. It also evidences a consistent downward trend in the domestic industry profits, which evolved from [Confidential] % in 2022 to [Confidential] % during the POI.

**d) Closing stocks**

22. In the context of a production decrease and an increase in sales, the UK biodiesel industry notably relied on their stocks to increase sales volumes and protect market shares. As shown in the table below, the inventories of the UK biodiesel industry decreased significantly over the period considered. The closing stocks volumes evolved from [Confidential: 26,826 – 36,295]tonnes in 2022 to [Confidential: 14,862 – 20,109] tonnes during the POI, i.e. a 45% decrease:

CLOSING STOCKS OF THE UK BIODIESEL INDUSTRY				
	2022	2023	2024	POI (Q3 24 – Q2 25)
Closing stocks (in tonnes)	[Confidential: 26,826 – 36,295]	[Confidential: 21,179 – 28,655]	[Confidential: 20,217 – 27,353]	[Confidential: 14,862 – 20,109]



Index: 2022 = 100	100	79	75	55
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Appendix G.1 - Injury data

**e) Employment**

23. The employment levels of the UK biodiesel industry reduced during the period considered, from [Confidential: 200 - 272] employees in 2022 to [Confidential: 160 - 218] employees in 2024 and POI, i.e. a 20% decrease:

EMPLOYMENT OF THE UK BIODIESEL INDUSTRY				
	2022	2023	2024	POI (Q3 24 – Q2 25)
Employment (number of employees)	[Confidential: 200 - 272]	[Confidential: 204 - 276]	[Confidential: 160 - 218]	[Confidential: 160 - 218]
Index: 2022 = 100	100	102	80	80

Appendix G.1 - Injury data

24. The decrease in employment is a direct consequence of the critical financial and economic situation the UK biodiesel industry is currently facing, which inevitably leads to decrease of activity and, in the most dramatic cases, to full plant closures.

**f) Investment**

25. The investment of the UK biodiesel industry sharply decreased between 2022 and 2024, from GBP [Confidential: 9,0 – 12,2] million to GBP [Confidential: 5,7 – 7,7] million, i.e. a 37% decrease. During the POI, investment slightly increased to GBP [Confidential: 5,9- 8,0] million :

INVESTMENT OF THE UK BIODIESEL INDUSTRY				
	2022	2023	2024	POI (Q3 24 – Q2 25)
Investment (GBP)	[Confidential: 9,075,426 – 12,278,518]	[Confidential: 6,708,046 – 9,075,593]	[Confidential: 5,701,874 – 7,714,301]	[Confidential: 5,916,422 – 8,004,572]
Index: 2022 = 100	100	74	63	65

Appendix G.1 - Injury data

26. The global decrease in investments condition by the UK biodiesel industry testifies of the financial pressure under the which the sector is evolving. When a sector struggles to achieve satisfactory profit margins, investment is often among the first expenses to be delayed. While such cutbacks may be economically justified in periods of financial constraint, they risk placing the industry at a technological disadvantage over time. Competing biodiesel exporters, continuing to invest in



modern equipment and materials, may advance more rapidly - widening the gap in efficiency, productivity, and competitiveness.

**g) Exports of the UK biodiesel industry**

27. The Applicant’s total export volume declined from [Confidential: 327,646 – 443,287] tonnes in 2022 to [Confidential: 233,979 – 316,560] tonnes during the POI, representing a 29% reduction. This contraction resulted in a significant 52% decrease in the value of export sales over the same period. The average export sales price fell by 38% from 2022 to 2024, before increasing slightly between 2024 and the POI, ultimately reaching [Confidential: 924 – 1,250] GBP/tonne:

Export sales	2022	2023	2024	POI (Q3 24 – Q2 25)
Total export sales volume (in tonnes)	[Confidential: 327,646 – 443,287]	[Confidential: 329,483 – 445,772]	[Confidential: 254,410 - 344,203]	[Confidential: 233,979 - 316,560]
<i>Index: 2022 = 100</i>	100	101	78	71
Total export sales value (GBP)	[Confidential: 524,000,000 - 709,000,000]	[Confidential: 359,000,000 - 485,000,000]	[Confidential: 252,000,000 - 342,000,000]	[Confidential: 254,000,000 - 344,000,000]
<i>Index: 2022 = 100</i>	100	68	48	48
Average export sales price (GBP/tonne)	[Confidential: 1.361 - 1,841]	[Confidential: 925 - 1,251]	[Confidential: 844 - 1,142]	[Confidential: 924 - 1,250]
<i>Index: 2022 = 100</i>	100	68	62	68
Export as a % of total sales volume (tonnes)	[57 - 77] %	[60 - 82] %	[48 - 66] %	[48 - 64] %
<i>Index: 2022 = 100</i>	100	106	85	84

Appendix G.1 - Injury data

**h) Interim conclusions**

28. Most of the injury indicators of the UK biodiesel industry deteriorated between 2022 and the POI. While the UK biodiesel industry is waiting for positive decisions from the TRA to restore a level playing field, it is in a critical financial and economic situation.

29. Should the anti-dumping and countervailing measures on biodiesel imports from the US be allowed to lapse, it is highly likely that the US biodiesel imports would resume quickly, leading to a recurrence of injury to the UK biodiesel industry.

30. It is thus of utmost importance to renew the anti-dumping and countervailing measures for another 5-year period.



2. Is your company suffering injury which you believe to have been caused by the imported goods? If so, please describe the injury. You may want to include the prices, volumes or profits associated with your production and sale of the goods you manufacture or describe other aspects of your business. Please specify and substantiate your claims with evidence. Please estimate the date when the injury began to affect your business. Explain how it has developed since this date.

Please refer to the response in Point 1 above.

3. Report your total cost to make and sell like goods in the UK. Please clearly separate your costs of production (direct manufacturing costs and indirect costs), from your administrative, selling and general expenses (AS&G). Provide costs for each model that you produce. When giving your labour costs, please ensure you include all labour costs, directly or indirectly incurred by any activity related to the goods.

1. Please find below the cost of goods sold of the UK biodiesel industry:

COSTS OF PRODUCTION				
Unit cost of goods sold (£/MT)	2022	2023	2024	POI (Q3 24 – Q2 25)
Manufacturing cost	[Confidential: 1,360 – 1,950]	[Confidential: 1,280 – 1,790]	[Confidential: 1,200 – 1,590]	[Confidential: 1,190 – 1,580]
SG&A	[Confidential: 22 - 30]	[Confidential: 29 - 37]	[Confidential: 20 - 27]	[Confidential: 35 - 43]
Others (financial costs, R&D expenses and other costs)	[Confidential: 45 - 55]	[Confidential: 43 - 53]	[Confidential: 15 - 23]	[Confidential: 88 - 112]
<b>Total Production cost</b>	[Confidential: 1,481 – 2,004]	[Confidential: 1,359 – 1,840]	[Confidential: 1,232 – 1,668]	[Confidential: 1,231 – 1,667]

Source: Appendix G.1 - Injury data

4. For the goods that you produce, please state what level of profit, before tax and as a percentage of turnover, your company would expect to achieve if there was no injury from the imported goods and explain how you arrived at this figure.



1. In its Statement of Essential Facts in AD0058 case on biodiesel imports from China<sup>80</sup>, the TRA concluded that the UK biodiesel industry should reach a target profit of 20%<sup>81</sup>, in the absence of unfair trading practices. This profit margin should be reasonable given that the biodiesel industry is a capital-intensive industry.

5. Explain if your current sales prices for the goods are the same as your target sales prices. If not, please explain the reasons for this.

1. Please refer to responses provided above. Imports of the product concerned from the US were marginal during the period considered. However, the Applicant demonstrated there is a likelihood of recurrence of dumping practices and continuation of subsidization which will lead to a recurrence of injury, should the anti-dumping and countervailing duties be discontinued.

6. Provide details of any price undercutting and and/or if the prices of the dumped and/or subsidised imports are reducing or negatively affecting prices in the UK. Compare the sales prices of the dumped and/or subsidised imports with the sales prices of your goods on the UK market. Include any supporting evidence.

1. Biodiesel imports from the US were marginal during the period considered. It is thus not possible to compare US imports price into the UK with the selling price of the UK biodiesel industry on the UK market.

2. However, the Applicant has constructed a theoretical import price, by relying on US FOB export price to the main export destinations (i.e. Canada, Peru and the EU) adjusted to reach CIF level<sup>82</sup>. Since the UK biodiesel industry incurred losses during the analysed period, the Applicant constructed a domestic price of the UK industry, by adding to costs of product, a target profit of 20%, as follows:

Domestic price of the UK industry	POI
Costs of production of the Applicant (in GBP/tonne)	[1,231 – 1,666]
Target profit	20%

<sup>80</sup> TRA Statement of Essential Facts, Investigation No. AD0058, Dumping investigation into biodiesel imported into the United Kingdom originating from the People’s Republic of China, 22 August 2025.

<sup>81</sup> *Ibidem*, paras 579 and 580.

<sup>82</sup> To obtain the US FOB export price the Applicant determined the export price based on a non-weighted average of US export prices to the three main US biodiesel export destinations, namely: Canada, Peru and the EU. For a detailed explanation of the methodology and sources used by the Applicant, please refer to responses to Section E, specifically those under “Constructed Export Price” (pgs. 45-50). See: Appendix E.15 – Dumping margin calculations.



Constructed UK Price (in GBP/tonne)	[1,478 – 2,000]
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Source: Producers data (Appendix G.1) and TRA, Statement of Essential Facts, Dumping investigation into biodiesel imported into the United Kingdom originating from the People’s Republic of China, Investigation No. AD0058, 22 August 2025, paras 579 and 580.

3. To calculate the underselling margin, the Applicant compared the constructed UK price above with the constructed weighted US landed export price, divided by the constructed US CIF price (which included customs duties), by applying the following formula:

$$\frac{(\text{Target price of Applicant}) - (\text{landed UK frontier price of dumped imports}^{83})}{\text{CIF price of dumped imports}^{84}} \times 100$$

4. The result of the calculation shows the following underselling margin, that would be likely to appear should the anti-dumping and anti-subsidy measures be allowed to lapse:

Price underselling		POI
Constructed UK Price		[Confidential: 1,478 – 2,000]
CIF import price of biodiesel from the US (GBP/tonne)		[Confidential: 693 - 939]
Customs duty <sup>85</sup>	%	6.5%
	In GBP	[Confidential: 45 - 61]
Landed UK frontier price of biodiesel from the US (GBP/tonne)		[Confidential: 738 – 1,000]
Underselling (in GBP/tonne)		[Confidential: 740 – 1,000]
<b>Underselling margin (%)</b>		<b>[Confidential: 91 - 123] %</b>

Sources: Appendix E.15; Appendix G.1 and G.3

#### Appendix G.3 - Underselling calculations

5. Considering the above prices analysis, it is expected that, if measures are allowed to lapse, US exporters would have an incentive to export to the UK at prices

<sup>83</sup> To obtain the landed UK frontier price, the Applicant adjusted the CIF export price for (i) customs clearance to take account the costs incurring the customs clearance process in the UK. For this, the Applicant has made a 6.5% increase adjustment to the CIF import price of biodiesel from the US. See: Appendix G.3 – Underselling calculations.

<sup>84</sup> To obtain a CIF price of dumped imports, the Applicant has adjusted the FOB export price for (i) international freight and insurance costs, by applying an increase adjustment of GBP 46 per MT, which correspond to the average costs for ocean freight and insurance charges from Houston in the US to Felixstowe in the UK. See: Appendix E.15 – Dumping margin calculations.

<sup>85</sup> As a conservative approach, the Applicant relied on the same value used by the TRA. See: Final Recommendation to the Secretary of State, TD0004, 10 November 2022, page 45, Recital (212).



underselling the sales prices of UK producers. This would cause price pressure on the UK industry, which would lose sales volumes and/or be obliged to decrease their price levels even more, with the consequent impact on profitability. As a result, the situation of the UK biodiesel industry would only be worse, considering it is currently suffering from injury caused by imports of biodiesel from China and HVO imports from the USA.

## Threat of injury

1. Describe the change in circumstances that means the threat of material injury from dumping and/or subsidisation is foreseeable and imminent. The factors behind these changes could include:
  - the rate of increase of dumped and/or subsidised imports;
  - changes to the available production capacity of the exporters;
  - changes to inventories of the imported goods (i.e. if large stocks of these goods are building up in their country of origin ready for export);
  - expected price depression or price suppression of further imports; and
  - any other relevant factors.

Not applicable in the context of an expiry review.

2. If appropriate, include an analysis of trends (or a projection of trends) and market conditions illustrating that the threat is both foreseeable and imminent.

Not applicable in the context of an expiry review.

3. Explain why you believe the threatened injury to your industry will be material.

Not applicable in the context of an expiry review.



## Section H: Causal link between the imported goods and injury to your industry

For the TRA to initiate an investigation, there must be evidence of a causal relationship between the injury to the UK Industry and the alleged dumping and/or subsidisation.

1. If your company is suffering injury, please explain and provide evidence that shows how this has been caused by the goods you want us to investigate. Describe how the volumes and prices of the imported goods have affected your industry, basing your answer on the injury indicators in the previous section.

Not applicable in the context of an expiry review.

2. Please indicate if the injury to your industry could be attributable in part or in full to any factors other than dumped or subsidised imports, for example:
  - volume and prices of imports not sold at dumped prices;
  - contraction in demand or changes in patterns of consumption;
  - restrictive trade practices of, and competition between, third country and UK producers;
  - developments in technology; and
  - export performance and the productivity of the UK industry.
  - This may be relevant as an industry weakened by other events may be more susceptible to injury from dumped or subsidised goods.
3. Please provide evidence to support this information.

Not applicable in the context of an expiry review.



## Section I: Declaration

This application is made by, or on behalf of, a UK industry that produces like goods to those that are the subject of this application.

This UK industry has at least 1% market share, taking into account the goods and particular market for those goods.

This application has the support of that UK industry as required in the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019. Specifically, producer support for this application is greater than producer opposition and represents at least 25% of all UK production of the like goods.

The information contained in this application:

- provides evidence that goods have been or are being dumped and/or evidence that subsidised goods have been or are being imported into the UK (as per schedule 1(g) and 2(g) of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019);
- provides evidence that the dumped and/or subsidised goods are causing injury to the UK industry (as per schedule 1(i) and 2(i) of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019);
- is sufficient to initiate an anti-dumping and/or subsidy investigation as per schedule 4 paragraph 9(1)(b) of the Taxation (Cross-border Trade) Act 2018; and
- is accurate and complete.

Name:	[Confidential: Contact details of the Applicant. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]
Company/Association:	Renewable Transport Fuel Association (RTFA)
Position:	[Confidential: Contact details of the Applicant. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]
Company Registration number (if applicable):	N/A
Date:	29 October 2025
Signature:	[Confidential: Signature of the Applicant's representative. Due to the confidential nature of this information, it is not suitable for a non-confidential summary]



## Section J: Checklist

### Important

Please ensure that you have completed this application fully and refer to any attached documents using the corresponding appendix reference.

Complete the checklist above, to demonstrate you have covered all of the points, and attach evidence to support your claims and calculations.

Keep a copy of this application for your reference in case any queries arise when we are assessing the application. You will also need to refer to it if we initiate an investigation.

- The details of the UK producers making the application and level of UK industry support for the application
- The details of all known UK producers/associations of UK producers of like goods
- The volume and value of the domestic production of the like goods both by producers making the application and all other known UK producers
- Information that the market share requirement is met
- A complete description of the imported goods
- The names of countries/territories of origin and export of the imported goods
- The details of the exporters or overseas producers of the imported goods
- The details of the companies or individuals known to be importing the goods
- Normal values of the goods ***Dumping applications only***
- Export prices of the goods ***Dumping applications only***
- Details of subsidy programmes associated with the imported goods ***Subsidy applications only***



- The amount of countervailable subsidy attributable to the alleged subsidised goods imported into the UK ***Subsidy applications only***
- Changes in import volumes of the goods
- Effects of the imported goods on prices of like goods produced in the UK
- Impact of the imports have caused to the UK industry