AS0067 Anti-Subsidy Investigation – Hydrotreated Vegetable Oil (HVO) originating in the United States of America

Comments to TRA Note to Public File dated 9 June 2026

Submitted by the Renewable Transport Fuel Association ("RTFA")

OPEN VERSION

16 June 2026

I. INTRODUCTION

1. On 17 March 2025, the TRA initiated a countervailing investigation into imports of HVO originating in the United States. The period of investigation (the "POI") for subsidisation is the calendar year 2024, and the injury assessment covers the period from 2021 to 2024.[1]

2. On 28 November 2025 the TRA published its Statement of Essential Facts ("SEF"), setting out an intended final affirmative determination: HVO imports from the USA are subsidised, they have caused injury to the UK FAME industry, and the application of a countervailing measure meets the Economic Interest Test (the "EIT").[2] Interested parties commented on the SEF between late December 2025 and early January 2026.

3. On 12 March 2026, the TRA published a Note to the Public File indicating an intention to make a final negative determination on the basis that the main subsidy scheme available to the US HVO industry – the Blenders Tax Credit ("BTC") – no longer offered present subsidisation due to its expiration, subsequently inviting interested parties to provide evidence on present subsidisation. The RTFA submitted its comments on 9 April 2026 and supplemented its response on 5 May 2026, evidencing that the recent 'Clean Fuel Production Credit' ("CFPC") subsidy scheme is the BTC's statutory replacement and that present subsidisation is established under it.[3]

4. On 9 June 2026, the TRA published a Note to the Public File (the "TRA's Notice")[4], in which it determined that the CFPC is a countervailable subsidy conferring a benefit that is sufficiently similar to the BTC, confirming that present subsidisation is established. In the TRA's Notice, the TRA also informs that it intends to make a final affirmative determination (the "FAD") under paragraph 11(2) of Schedule 4 to the Taxation (Cross-border Trade) Act 2018 ("the Act"). However, the TRA also indicated that it has re-conducted the EIT in light of post-SEF evidence submitted by interested parties. It now considers that applying an anti-subsidy remedy in accordance with its proposed recommendation would not meet the EIT. According to the TRA, based on this new evidence, "*the overall impacts of a measure are likely to be more significant than previously expected, and the benefits associated with removing injury have reduced*".[5]

5. The Renewable Transport Fuel Association (the "RTFA") welcomes the TRA's conclusion on subsidisation of the US HVO industry and its intention to make a FAD. It confirms the position the RTFA has advanced throughout these proceedings: the BTC was replaced, not terminated, and US HVO production remains subsidised on a substantial and growing scale. The expansion of the US FAME, HVO and SAF industries relies entirely on this main subsidy scheme ,which has been available to them for the past 15 years and which will continue to artificially support the development of massive, distorted production capacities in the USA.

6. The RTFA however firmly opposes the TRA's updated assessment of the EIT in which it concludes, based on new evidence submitted by interested parties, that the imposition of a countervailing duty would not meet the EIT.

7. The RTFA is strongly convinced that this updated EIT assessment has been based on new evidence **that is biased and largely factually inaccurate**. Should the TRA re-examine the file using objective and accurate data, the RTFA is confident the TRA will conclude that the EIT is fully met.

8. While the RTFA understands that any recommendation – and the subsequent imposition of

[1] Statement of Essential Facts ("SEF"), Section A.
[2] SEF, paragraphs 22-25 and 620-623.
[3] AS0067, Note to the Public File, 12 March 2026; RTFA, Comments to TRA Note to Public File of 12 March 2026, 9 April 2026; RTFA, Note on present subsidisation of the Blender's Tax Credit and the introduction of H.R. 8497, 5 May 2026.
[4] AS0067, Note to the Public File, 9 June 2026 ("TRA's Notice ").
[5] Ibid., Economic Interest Test section.

countervailing measures - to the Secretary of State is not conditional on the EIT being met, it however considers it essential to comment on the TRA's updated assessment of the EIT to ensure it has reliable information and data that it may confront with the new evidence recently submitted by several interested parties.

9. The RTFA requests that the TRA carefully analyse the arguments presented below, revert to the conclusion reached in the SEF, namely that the EIT is met, and **recommend to the Secretary of State the imposition of the countervailing measures for a period of five years**.

10. In weighing the *pros* and *cons* of imposing a countervailing duty, the RTFA insists that any imposition of duties is not written in stone. Applications for partial (or total) reviews are at the disposal of interested parties, should they consider that circumstances have changed compared to those examined during the POI, and they are of a lasting nature. In the same vein, if there is any particular situation in the UK market which would justify a temporary removal of the countervailing duties, a suspension mechanism exists to immediately address this concern.

11. By contrast, should the TRA recommend the termination of the investigation without the imposition of a countervailing duty, the likely consequence of such decision would be the immediate disappearance of the UK FAME industry, which significantly shrank during the past years to only three UK producers today. The RTFA makes it clear that this is not a theoretical assumption: it will be a logical consequence, in the light of the very aggressive unfair practices from US exporters and the immediate resurgence of massive US HVO unfair imports into the UK following the TRA's decision in the transition review to exclude HVO from the scope of the anti-dumping and countervailing measures on biodiesel imports from the USA, together with the limited export opportunities for US HVO subsidised exports.

12. The disappearance of the UK biodiesel industry will dramatically impact the UK's strategic interests - including energy independence and strategic autonomy, which serve as powerful drivers for geopolitical security, economic stability, and climate action in today's new global dynamics.

13. By contrast, the imposition of a countervailing duty on HVO imports from the USA will not only level the playing field for the UK FAME industry, it will also provide a level playing field for the potential development of a UK HVO and SAF industry[6] for which the UK government has invested over £215 million under the Advanced Fuels Fund since 2021, potentially creating 1 400 jobs in the UK. A level playing field in the UK renewable fuel sector would also ensure the continued development of the UK upstream feedstock industry, reinforcing a value chain in the UK to the benefit of economic growth and energy independence.

II. INTERESTED PARTIES PROVIDED BIASED EVIDENCE TO THE TRA, WRONGLY LEADING TO A REVISED EIT

1. Legal Framework for EIT

14. Under paragraph 25 of Schedule 4 to the Act, the application of a countervailing measure is *presumed* to be in the economic interest of the UK, unless the TRA (or the Secretary of State) is *satisfied* that the application of the remedy is *not* in the economic interest of the UK.[7]

15. The presumption is a deliberate allocation by Parliament of the burden of persuasion. Where the TRA has found, and in the TRA's Notice confirms, that subsidised imports have caused injury to a UK industry, Parliament's default is that a measure removing that injury is in the UK's economic interest. The statutory question is therefore not whether a welfare model returns a negative

[6] HVO and SAF are made from the same production process. A level playing field in the HVO sector would provide an improved fair environment for the development of SAF projects in the UK.
[7] Paragraph 25(2)-(3) of Schedule 4 to the Act; TRA's Notice, Economic Interest Test section; SEF, paragraph 530.

number, but whether the evidence positively satisfies the TRA that the measure is not in the UK's economic interest – **a demanding threshold**.

16. The procedural posture heightens that threshold. At the SEF stage, the TRA conducted the EIT on an extensive evidence base (questionnaires, a survey of downstream businesses, market data and detailed welfare modelling) and concluded that there was "*insufficient evidence of impacts which are disproportionate to the need to remove injury*", so that the EIT was met.[8] That tracks the TRA's own guidance, under which, in subsidy cases, "*the default presumption is that the EIT is met*", the test being found unmet only where "*the negative impacts of a recommendation on the UK economy are disproportionate to the need to remove the injury caused to UK industry*".[9]

17. To move from the SEF conclusion to its opposite, the **new evidence submitted by interested parties must be capable of bearing the full weight of the reversal**: it must demonstrate, affirmatively, that the impacts of the measure are disproportionate to the need to remove a confirmed injury caused by confirmed and growing subsidisation.

18. Three additional features of the test frame this analysis.

- First, the EIT is forward-looking: it concerns the likely effects of the measure over its prospective five-year life. The TRA itself describes the assessment as forward-looking in the TRA's Notice.[10] In the RTFA's view, a forward-looking test cannot be resolved on a static snapshot of present supply shares or on an extrapolation of eighteen months of post-POI prices.

- Secondly, the welfare model is an input to the EIT, not the EIT itself: a partial-equilibrium estimate of one year's consumer and producer surplus does not capture the benefit of removing injury over the life of the measure, the value of maintaining domestic renewable-fuels production and capacity and diversified supply, or the systemic interest in countering injurious subsidisation.

- Thirdly, the matters the opposing parties emphasise – namely that downstream users will pay more for the subsidised product should countervailing duties be imposed – are the ordinary incidents of any effective trade remedy; treated as decisive, they would defeat every measure and deprive the presumption of content.

19. In conducting the EIT, the TRA has regard to the statutory factors, which it summarises in its guidance as: (1) the injury caused to the UK industry by the imports under investigation and the benefit to that industry of removing the injury; (2) the economic significance of affected UK industries and consumers; (3) the likely impact on wider UK industries and on consumers; (4) the likely impact on particular geographic areas or groups within the UK; (5) the likely consequences for the competitive environment and the structure of UK markets for the goods; and (6) such other matters as the TRA considers relevant.[11]

20. In the present case, the TRA has revised its EIT assessment based on the following new evidence:

- Based on Argus data, there has allegedly been a post-POI divergence between HVO and FAME prices, which would be attributed to rising global decarbonisation mandates. According to the TRA, these post-POI changes – which are of lasting nature – would less expose the UK FAME industry to subsidised HVO imports, which would create much higher

[8] SEF, paragraphs 529-619, in particular paragraphs 532 and 618.
[9] TRA website, Applying the economic interest test Guidance, 5 November 2025, Exhibit 1
[10] TRA's Notice, Conclusions ("*a forward-looking assessment of whether the application of an anti-subsidy remedy would be in the wider economic interest of the UK*").
[11] TRA website, Applying the economic interest test Guidance, 5 November 2025, Paragraph 25(4) of Schedule 4 to the Act, See Exhibit 1.

costs to UK downstream groups than benefit from removing the injury to the UK industry.

- The TRA expects high-blend consumers to have a stronger preference for HVO. However, there would be no strong alternative sources to the UK downstream industry, the HVO supply allegedly being highly concentrated, with the US representing two thirds of international HVO supply and a single EU-headquartered company almost one fifth;

- FAME would trigger higher nitrogen dioxide ("NOx") emissions compared to HVO[12], it however believes that the impact is not significant for its EIT conclusions.[13]

21. As will be demonstrated below, the RTFA maintains that the new material submitted by interested parties is **heavily biased and subjective**, misleading the TRA into a flawed revision of its EIT conclusions. The RTFA acknowledges that given the tight deadline under which the TRA is conducting this investigation, interested parties, such as the RTFA, have not had a chance to assess the relevance and accuracy of this new evidence before the publication of the TRA's Notice dated 9 June 2026 and provide necessary rebuttals for a revised EIT examination.

22. Accordingly, in the next sections, RTFA will demonstrate that:

- The Argus data used to allegedly evidence post-IP price movement of a lasting nature is based on an unfair comparison, which has artificially distorted the TRA's methodology. In any event, should the gap between UCOME prices and HVO prices widen post-IP (which still needs to be demonstrated), this wider gap is not of a lasting nature and would not reduce the exposure of the UK FAME industry to injurious subsidised HVO imports (**2**);

- The UK downstream industry involved in higher blends favours the use of domestically-produced FAME, to avoid the risk of being reliant on subsidised exporters which may redress prices in the absence of domestic competition. In addition, it is wrong to affirm that the HVO supply is highly concentrated: there are fair market players from third countries other than the US, willing to access the UK market if a level playing field is restored, which will be able to provide a regular and stable supply of non-subsidised HVO to the UK downstream industry (**3**);

- NOx is controlled at the vehicle, not at the fuel level, and any differences in NOx emissions are marginal in practice, as the TRA itself has concluded (**4**);

- Other major considerations which must be examined in the context of the EIT call for the imposition of countervailing duties in the present case (**5**).

2. The TRA's comparison of Argus data which led to a post-POI price movement is vitiated by substantial flaws

(a) Preliminary considerations about the UK FAME and HVO markets

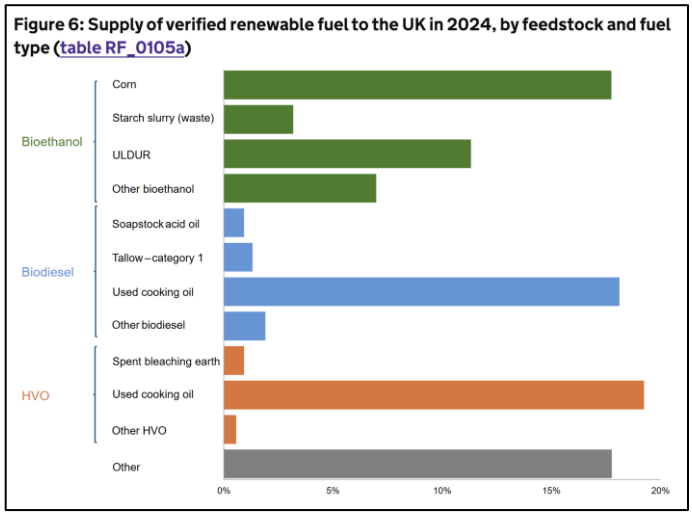
23. In its Note to Public File dated 9 June 2026, the TRA considered that "*the price of HVO has increased significantly post-POI and diverged from that of FAME*"[14] based on "*[fi]gures taken from Argus media for Biodiesel FAME 0C CFPP Red ARA and HVO fob ARA (Class I and II)*".

24. Based on this new evidence, the TRA found relevant to revise price assumptions used within the

[12] TRA indicated in its Note to Public File: "*Since the SEF was published, the TRA received evidence to suggest that nitrogen dioxide (NOx) emissions were higher for HVO than FAME and mineral diesel*". Based on the examination of new evidence, we assumed that this is a clerical mistake and that the TRA wanted to indicate that it "*received evidence to suggest that nitrogen dioxide (NOx) emissions were higher for FAME than HVO and mineral diesel*".
[13] TRA's Notice, Economic Interest Test section, p.14.
[14] TRA's Notice, Economic Interest Test section, p.12.

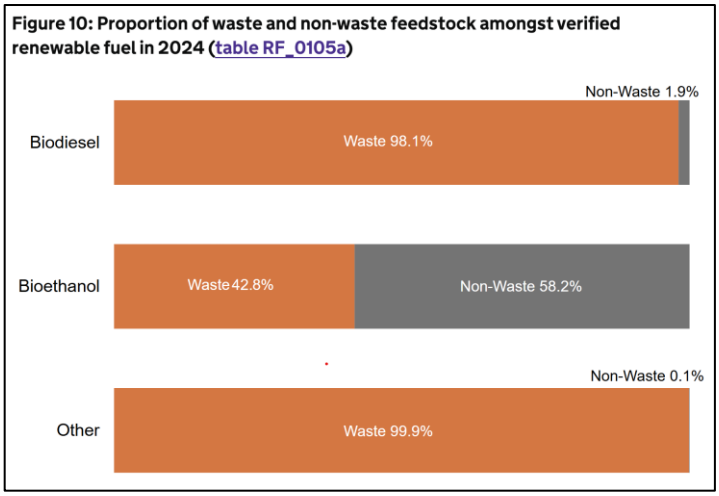
economic modelling. Specificially, instead of relying on customs data, namely "a price for third country HVO, obtained from HMRC 10-digit data", the TRA decided to create a combined weighted average biodiesel third country price. [15] Based on these revised assumptions, the TRA considers higher estimated costs to UK downstream groups, across most scenarios, while the benefits to UK producers of the measure have fallen.

25. As a preliminary remark, and for the purpose of comparison between FAME and HVO under the EIT, the RTFA finds it important to recall that the **UK FAME and HVO markets are predominantly a market of waste-based feedstocks**. As shown in the 2024 Final Report of Renewable Transport Fuel Obligation (RTFO) statistics issued by the UK Department of Transport and updated on 12 February 2026[16], a very large portion of FAME (biodiesel) and HVO supplied on the UK market were produced from UCO:



Source: UK Department of Transport, Renewable Transport Fuel Obligation (RTFO) statistics 2024: Final report, updated on 12/02/26

26. In 2024, 98% of biodiesel supplied on the UK market was made from waste feedstocks (UCO, tallow, food waste):

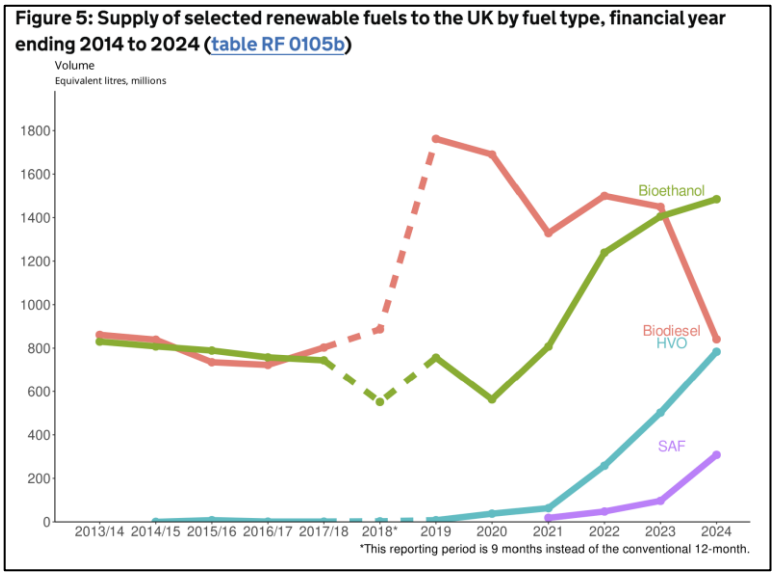


Source: UK Department of Transport, Renewable Transport Fuel Obligation (RTFO) statistics 2024: Final report, updated on 12/02/26

[15] TRA's Notice, Economic Interest Test section (Changes to injury and modelled impacts, due to price movements), citing Argus, European Biofuels Market Long-term Forecast.
[16] UK Department of Transport, Renewable Transport Fuel Obligation (RTFO) statistics 2024: Final report, updated on 12/02/26, Exhibit 2.

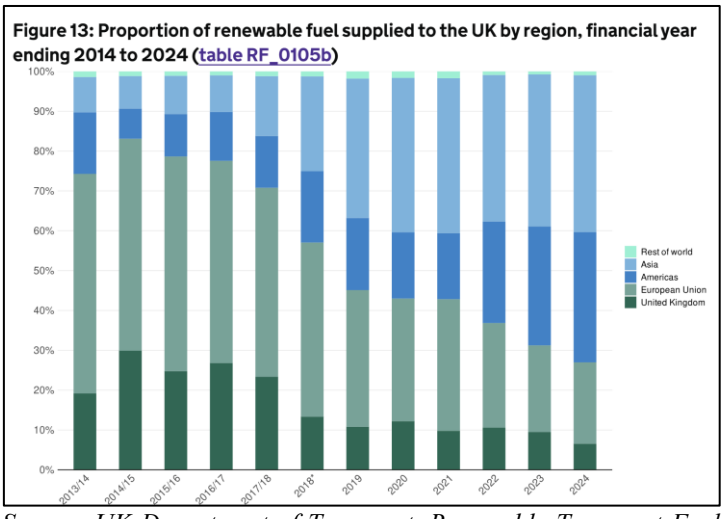
27. The above demonstrates that FAME produced in the UK and HVO manufactured in the US and exported to the UK are both made from waste products.

28. The 2024 Final Report on RTFO statistics from the UK Department of Transport was unambiguous about the surge of HVO supply since 2021 (which coincides with the discontinuation of the anti-dumping and countervailing duties imposed on US HVO imports from the USA following the transition review conducted by the TRA on 11 August 2020 and the publication of TRA's Statements of Essential Facts on 15 December 2021) and the corresponding significant decrease of FAME supply in the UK since 2021:



Source: UK Department of Transport, Renewable Transport Fuel Obligation (RTFO) statistics 2024: Final report, updated on 12/02/26

29. The same 2024 Final Report leaves no doubt that US HVO exporters have substantially increased their share in the supply of renewable fuels in the UK, in a situation where anti-dumping and countervailing duties are still in place against US FAME imports into the UK but were discontinued for HVO:

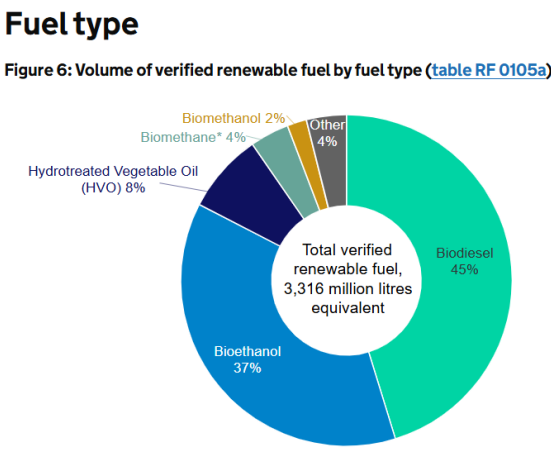


Source: UK Department of Transport, Renewable Transport Fuel Obligation (RTFO) statistics 2024: Final report, updated on 12/02/26

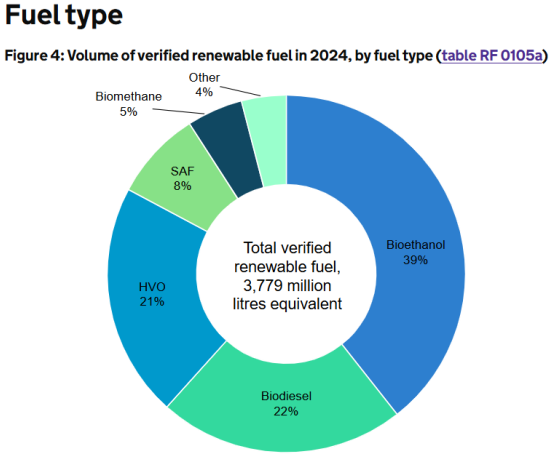
30. In view of the above, the resurgence of unfair US HVO imports into the UK had dramatic impact

on the UK FAME industry. As shown in the graphs below, while the share of biodiesel within the supply of renewable fuels amounted to 45% in 2022, it fell to 22% in 2024, while the share of HVO increased from 8% in 2022 to 21% in 2024:

2022 Final report[17]



2024 Final report



31. While RTFA supports the development of HVO within the supply of renewable fuels in the UK, it cannot accept that such market share is achieved on the basis of unfair trading practices to the detriment of other competing suppliers, whether domestic or from third countries.

(b) The TRA makes an unfair comparison when it compares FAME 0C CFPP Red ARA and HVO fob ARA (Class I and II), wrongly leading to a change of the TRA's methodology

32. To assess the intensity of price difference between FAME and HVO post-POI, the TRA explained it relied on the following Argus prices: (i) FAME 0C CFPP Red ARA and (ii) HVO FOB ARA (Class I and II).[18]

33. By doing such a comparison, the TRA compares apples and oranges, which vitiates the conclusions and TRA's revised methodology.

34. **First**, FAME 0C refers to a fatty acid methyl ester biodiesel that is mainly derived from a mix of vegetable oils (soybean oil, palm oil, rapeseed oil). FAME 0 means a biodiesel which has a CFPP of 0°, *i.e.*, that filters perfectly at temperatures down to 0°C. Below 0°, FAME0 may gel and affect the motor engine. By contrast, for HVO, the TRA relied on both HVO made from food and feed crops, excluding palm oil (called "Class I") and HVO made from UCO (called "Class II"), the latter having a premium on the UK market because it double counts due to its waste-based feedstocks, leading to a price fully reflecting the benefit resulting from the certificates.

35. The comparison between FAME 0C CFPP Red ARA and HVO FOB ARA presents the following fatal accounting errors:

- Feedstock asymmetry: The TRA compares a FAME made from vegetable oils on the one side, with HVO made from both vegetable oils and UCO on the other side, which inflates the HVO price and thus leads to unfair comparison;

- Unadjusted technical specifications: The TRA compares products with different CFPP, which is a decisive characteristic in the price for blenders subject to blending mandates. FAME0 has a CFPP of 0°, while HVO Class I and Class II have CFPP between -10° and -

[17] UK Department for Transport, Renewable fuel statistics 2022: final report., Exhibit 3.
[18] See Note to Public File, Economic Interest Test Section, p. 12.

30°. Should the Argus price be used, this would require the necessary adjustments to ensure fair comparison between products.

- Certificate double-counting distortions: The TRA compares a product which does not have any premium (FAME0) with a product which has a premium (HVO Class II) due to its double counting status. Any comparison should adjust the HVO prices down to exclude the benefit resulting from the certificates.

36. **Second**, Argus data are based on European prices in the ARA zone, which include both FAME and HVO manufactured in the EU or imported into the Union and sold in the Union. The European Commission has conducted several anti-dumping and countervailing investigations against unfair imports of biodiesel, including FAME, HVO and SAF, to level the playing field in the Union. This is because the EU is the largest diesel (and thus biodiesel) market worldwide, which thus naturally triggers the appetite of third-country exporters due to the high profit generated by the sales of biofuels. Thus, US imports of FAME, HVO and SAF are subject to stiff anti-dumping and countervailing duties in place since 2009. In the same vein, the European Commission imposed provisional and definitive anti-dumping duties on FAME and HVO imports from China on 16 August 2024[19] and on 10 February 2025.[20] Chinese imports into the Union mainly consisted of FAME (and a very limited volume of HVO at that time). Chinese exporters were also involved in the swap of certificates for FAME products, which involves selling virtually Chinese FAME products on the Union market through the sales of their corresponding certificates without having a physical customs clearance of the Chinese goods into the Union, thus bypassing the anti-dumping duties in place.

37. This evidences that while the imposition of anti-dumping duties on Chinese biodiesel (FAME and HVO) imports may have had an immediate positive effect on HVO prices in the EU, the same effect on FAME prices may have been delayed due to a flood of Chinese unfair FAME imports until 17 August 2024 and the continued sales of their certificates after the imposition of anti-dumping duties. In view of the above, the RTFA believes **it is a dangerous exercise to rely on prices which do not pertain to the UK market dynamics**, as such prices in the EU belongs to a certain environment which sensitively reacts to market conditions which are specific to the EU, and which may significantly differ from market dynamics occurring in the UK environment.

38. The RTFA also makes it clear that **HVO price fluctuates based on the price of fossil diesel**, in addition to the feedstocks costs and local environment. Thus, if the price of diesel increases, the HVO prices will also increase. The TRA is aware that due to war conflicts in the world, such as the war in Ukraine or more recently in the war in the Middle East, diesel prices have skyrocketed Post-POI, which have thus impacted the prices of HVO. However, the increase of diesel prices, and thus in HVO prices (and to a certain extent FAME prices) are the result of temporary and exceptional events, which are <u>not</u> of a lasting nature. It also remains to be seen whether such increase of prices post-POI are reflected in the prices offered in the UK by the main third-country HVO exporters.

39. The RTFA is convinced that any fair comparison between the prices of FAME and HVO must necessarily include the following considerations:

- Feedstock alignment: Biodiesel products must have the **same feedstocks**: in the present case, UCOME and Advanced FAME, v. HVO (Class II). The RTFA is aware that the feedstock represents a significant share of the cost of production of biodiesel products, a characteristic

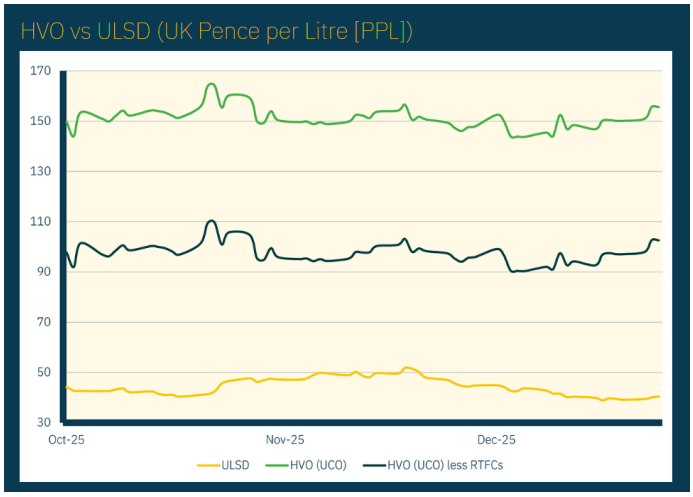
[19] Commission Implementing Regulation (EU) 2024/2163 of 14 August 2024 imposing a provisional anti-dumping duty on imports of biodiesel originating in the People's Republic of China, OJ L, 16.8.2024, p. 1-69

[20] Commission Implementing Regulation (EU) 2025/261 of 10 February 2025 imposing a definitive anti-dumping duty on imports of biodiesel originating in the People's Republic of China, OJ L, 2025/261, 11.2.2025

that directly affects the price.

- CFPP temperature adjustments: Biodiesel products must be adjusted to have similar CFPP: This requires an adjustment to the HVO price downward to have **similar CFPP** with UCOME and advanced FAME prices. In fact, since CFPP is a decisive criterion in the price, such adjustment is necessary to ensure a fair comparison.

- Certificate netting: The TRA must ensure that any price is not affected by any **benefit resulting from certificates**, and if so, adjustment must be made to ensure fair comparison. As shown in the table below, the UCO-based HVO price is significantly different with and without the RTFCs, which is the effective costs of UCO-based HVO after subtracting the financial value of UK Renewable Transport Fuel Certificates (RTFCs):



Source: Esl fuels, Biofuel market updated – Q4 2025, 3/02/26, Exhibit 4[21]

40. RTFCs are awarded to suppliers for blending verified renewable fuels into the UK supply. Since UCO-based HVO qualifies for double-counting, it yields two certificates per litre supplied. The market value of these RTFCs is netted off (deducted) from the raw wholesale cost of the HVO. Because RTFCs act as a subsidy/offset, their price directly dictates the commercial competitiveness of the biofuel.

41. UCOME and waste-based HVO each generate two RTFCs per litre supplied. The double-counting reward is therefore identical for the two fuels, and the RTFCs do not boost or distort the HVO price relative to UCOME. The certificate benefit inflates the HVO price only when HVO Class II is compared with a single-counting fuel such as FAME 0; on the correct like-for-like comparison between UCOME and HVO Class II, the certificate value is symmetrical and nets out, so that any residual HVO premium reflects scarcity, processing and CFPP characteristics rather than the certificate regime.

42. In addition to the above, any fair comparison must compare **prices in the UK**. In RTFA's view, the evolution of prices in the UK is the central assessment to be made by the TRA in its EIT. In this respect, the TRA should compare (i) the relationship between the UCOME prices on the UK market from UK producers post-POI, with the US-origin HVO delivered to the UK (from HMRC) post-POI. In this prospective analysis, the TRA should also take into consideration the recent changes in the UK market environment. For example, the RTFA cannot exclude that FAME and HVO prices in the UK may have rebounded in 2025 due to the initiation, on 5 June 2024, of the UK AD0058 investigation on imports of FAME and HVO from China which led to the imposition

[21] Esl fuels, Biofuel market Q4 2025, 3/02/26, p. 2, Exhibit 4.

of anti-dumping duties on Chinese FAME and HVO imports[22]. The TRA should also compare the price elasticity between imports from different third countries post-POI. In this analysis, other factors must be taken into account: for example, the possibility for targeted exporters to receive more subsidies in the future, likely to depress further the export price to the UK, the export-market opportunities for targeted exporters and the development of their capacities v. their domestic consumption. These considerations are central to assess whether US HVO imports may continue to affect the UK FAME industry post-POI, even in the context of a potential price increase for HVO (which would not be reflected in the price offered by US exporters to sell at all costs to improve the unit cost of production and consequently their profit margin).

(c) An appropriate methodology to conduct a forward-looking assessment under the EIT does not show, at all, a long-lasting change of price movement post-POI

43. Under its updated EIT assessment, the TRA focused on the differences of prices between FAME and HVO in the Union market post-POI. While such comparison is flawed for the reasons explained in previous sections, the RTFA also believes that any HVO price movement post-POI in the EU (*quod non*) has not been reflected in the UK market, confirming that TRA's revised methodology lies on false premises.

44. To assess whether any change in the HVO price post-POI has led to new market dynamics in the UK to the benefit of the UK FAME industry, the RTFA has **analysed the evolution of the US HVO export price to the UK post-POI**. As the RTFA does not have the import price of US HVO under HMRC at 10-digit level, the RTFA relied on the following methodology to carry out the assessment :

- The RTFA does not have the import price of US HVO under HMRC at 10-digit level.

- The US Energy Information Administration (EIA) provides the volume of US exports of HVO (called renewable diesel in the US) by destination countries for the year 2025. As shown below, the US officially declared 81 551 tonnes to the UK in 2025:

US exports of HVO – 2025 by destination countries	**In Barrels**	**Tonnes[23]**
Canada	7 444 000	899 360
EU	5 259 000	635 375
Norway	785 000	81 551
UK	675 000	81 551
Brazil	5 000	604
Total	**14 181 000**	**1 713 302**

Source: EIA - Exports of US HVO 2025, Exhibit 5

- The RTFA notes that the US customs nomenclature does not have a dedicated customs code for HVO. However, it is aware that HVO is mainly exported under HS code 2710194550 ("Mixtures of hydrocarbons not elsewhere specified or included, which contain by weight not over 50 percent of any single hydrocarbon compound / Renewable fuels blends containing not less than 51 percent by volume of biofuel, as described in statistical note 6 to this

[22] It is not excluded that Chinese exporters feared the imposition of provisional anti-dumping duties. See AD0058 (Dumping investigation into biodiesel from the People's Republic of China), Final Determination, 24 November 2025 (definitive anti-dumping duties on biodiesel, including FAME and HVO: 14,79% for the Zhuoyue Group and cooperating exporters, 54,64% residual); ibid., Economic Interest Test (a measure would improve the ability of UK and third-country producers to compete in the UK biodiesel market).

[23] 1 tonne equals 8,277 barrels of HVO.

chapter[24]"). The RTFA extracted the volume of exports under that HS code and notes that volumes reported under this HS code almost match exactly (81 407 tonnes v. 81 551 tonnes) the volume of US HVO exports recorded by the EIA:

US exports of HVO – 2025 (HS code 27 10 19 45) MT	**2025**
Canada	922 230
EU	635 502
Norway	94 792
UK	81 408
Total	**1 713 222**

Source: USITC DataWeb, Exhibit 6

- Accordingly, the RTFA concludes that the US official export statistics are highly reliable to assess the evolution of the US HVO export price to the UK during the POI and post-POI.

45. As shown in the table below, the US export price of HVO to the UK increased only by 2% between 2024 (POI) and 2025 (post-POI), which shows that any share increase of the HVO in other third-country markets has had no impact on the behaviours of the US HVO exporters which are maintaining subsidised prices on the UK market to progressively kill the UK FAME industry. The RTFA is particularly concerned by the January and February 2026 US export price to the UK which **decreased by 25% post-POI**:

US exports of HVO (HS code 27 10 19 45)	**2024**	**2025**	**Jan-February 2026**
Volume declared for exports to the UK (in barrel)	3 048 901	673 811	103 835
Volume declared for exports to the UK (in tonnes)	368 358	81 408	12 545
Value declared for exports to the UK (in USD)	534 880 435	124 628 141	14 212 079
US export price to the UK (in USD/tonne)	1 452	1 531	1 133
US export price to the UK (in £/tonne[25])	1 135	1163	846
Decrease in % (base period = 2024)	-	+2%	-25%

Source: USITC DataWeb, Exhibit 6

46. The RTFA has also found relevant to construct a CIF export price to compare it with (i) the price of UCOME of UK producers and (ii) the CIF export price of other third-country exporters (EU and Canada).

47. To construct the CIF export price of HVO to the UK from the US, EU and Canada, the RTFA applied the following methodology:

- For the US, international freight amounting to [Confidential:38-49] £/tonne was added to the US export price to the UK under HS code 27 10 19 45, in addition to post-importation costs estimated at 2%[26].

- For the EU, the EU combined nomenclature has a dedicated customs code for HVO since 2025 (CN code 2710 19 42). Accordingly, the RTFA used the volume and value of exports in Eurostat under this CN code to assess the EU HVO export price to the UK in 2025. This price was adjusted for international freight (estimated at [Confidential:18-27] £/tonne and for

[24] For the applicable customs code in 2025, Note 6 of the schedule clarifies the following: "For the purposes of statistical reporting numbers 2710.12.4560 and 2710.19.4550, the term "renewable fuels" means fuels produced from biogenic material according to the ISO 16620-2 method (equivalent to the ASTM D 6866 method)".

[25] Source: HMRC currency exchange average. Exchange rate US$/£ in 2024 = 1,279, Exchange rate US$/£ in 2025 is 1,316. Exchange rate US$/£ in 2026 (March) is 1,3378.

[26] To the best of our knowledge, there is no customs duty for importing US HVO to the UK.

post-importation costs (estimated at 2%).[27]

- For Canada, the Canadian customs nomenclature has a dedicated customs code for HVO (HS 2710.19.99.93 – "*Hydrogenation-derived renewable diesel (HDRD)*"). Accordingly, the RTFA used the volume and value of exports in the Canadian Official customs nomenclature under this HS code to assess the Canadian HVO export price to the UK in 2024 and 2025. This price was adjusted for international freight (estimated at [Confidential:38-49] £/tonne) and for post-importation costs (estimated at 2%).[28]

48. As shown in the table below, the US export price continued to represent a threat for UK producers and for third country exporters to the UK post-POI:

In £/tonne	2024	2025
UCOME prices sold in the UK by UK producers	[Confidential]	[Confidential]
US HVO export price to the UK (source: USITC)	1 107	1 134
Constructed US CIF export price to the UK	[Confidential]	[Confidential]
EU HVO export price to the UK (source: Eurostat) [29]	N/A	1 253
Constructed EU CIF export price to the UK	N/A	[Confidential]
Canadian HVO export price to the UK (source: Canada Trade Statistics)[30]	1 529	1 432
Constructed Canadian CIF export price to the UK	[Confidential]	[Confidential]
Difference between UK price and US price (in %)	**[4-10]%**	**[10-22]%**
Difference between EU price and US price (in %)	**-**	**[4-10]%**
Difference between Canadian price and US price (in %)	**[20-40%]**	**[20-40%]**

Source: USITC, Eurostat, Canada Trade Statistics, and data from the Applicant, Exhibit 6

49. The UCOME selling prices of the UK producers reported above are [Confidential: Information about the prices of UK biodiesel producers]. As shown, US HVO undercut UK FAME by approximately [confidential: 4-10%] in 2024 and [confidential: 10-22%] in 2025, the undercutting by US HVO thus deepening rather than easing post-POI. As shown above, this undercutting is expected to decrease further in 2026, in an attempt to eradicate the UK FAME industry.

50. In view of the above, even assuming that is a price increase of HVO post-POI due to exceptional events, such HVO price increase post-POI **has not been reflected in the behaviour of US HVO exporters on the UK market**, still willing to cause severe injury to the UK FAME industry to gain market shares in the UK. There are thus no material changes in the prices in the UK post-POI, rather a further decrease of US export price to the UK during the most recent period.

51. The RTFA is convinced that such predatory behaviour is likely to worsen in the near future, in the context of a forward-looking assessment. The TRA itself acknowledges in its Note to Public file dated 9 June 2026 that the main US subsidy scheme – the CFPC - is likely to increase in the future: "*The US government forecasts that the benefit conferred by the CFPC as a whole will increase substantially throughout its expected lifespan with the total benefit increasing five-fold by 2029*".[31] This means that the US biodiesel exporters will be able to further reduce their HVO export price in the future to reduce any gap between FAME and HVO, and they have already started to do so in the first months of 2026.

52. Accordingly, based on a forward-looking assessment, the RTFA can only conclude that US HVO exporters will be tempted to further decrease their HVO export price to the UK in the coming years, to reflect additional subsidies they may receive in the future.

[27] To the best of our knowledge, there is no customs duty for importing EU HVO to the UK.
[28] To the best of our knowledge, there is no customs duty for importing Canadian HVO to the UK.
[29] Source: HMRC currency exchange average. Exchange rate Eur/£ 1,1717.
[30] Canada exported low volumes in 2024 (50 tonnes) and 2025 (68 tonnes).
[31] Note to Public File dated 9 June 2026, page 6.

(d) Conclusion

53. The RTFA considers that the latest departure of the TRA from its own established methodology in the SEF is based on a fatal error.

54. The RTFA makes it clear that the new evidence submitted by interested parties has not demonstrated that the price gap between UCOME and HVO has widened post-IP and in this case, that they are not the reflect of exceptional conditions. More importantly, this new evidence has not allowed to evidence that any price changes post-POI have occurred on the UK market, to change the TRA's EIT assessment.

55. If post-POI evidence is to be admitted into the EIT, it must be admitted even-handedly. The TRA has taken account of alleged post-POI price movements said to reduce the benefit of a measure; it must equally take account of the post-POI deterioration of the UK industry, which increases the benefit of the measure. The TRA's own findings record plant stoppages and a post-POI closure announcement, net profit margins moving from a profit in 2021 to losses for the remainder of the injury period, and a falling market share.[32] An industry on the brink of exit has the most, not the least, to gain from the removal of injurious subsidisation; the asymmetric use of post-POI evidence, prices against the measure, but not industry deterioration in its favour, cannot stand.

56. The RTFA acknowledges there is a higher demand for biofuels and feedstock due to globally increasing decarbonisation policy mandates. The RTFA however does not agree with the greater pressure put on HVO given its properties at higher-blends. There is plenty of room for all types of biofuels – including FAME, HVO and SAF in these ambitious targets. Unfair trading practices from third-country exporters of certain biodiesel products shall not be entitled to gain market shares to the detriment of domestic producers of other types of biodiesel products.

57. The RTFA also recalls that both the HVO and FAME markets are extremely volatile and cyclical and have become markedly more so. This is because their prices are both based on the price of fossil fuels and on the prices of raw materials. Trading volumes in ICE Biodiesel Diff futures have risen to record levels, and high paper-market liquidity introduces speculative volatility under which prices routinely overshoot and undershoot the baseline.[33] HVO prices are highly volatile and cyclical, capable of significant variations within a single year.[34]

3. The UK downstream industry – which strongly favours the long-term viability of a UK biodiesel industry to avoid the progressive dominant position of unfair imports – has several other alternative options to source HVO

58. According to the TRA, high-blend consumers would have a much stronger preference for HVO. However, the TRA believes that UK consumers might find it difficult to source HVO outside the US, since the US would supply two thirds of the HVO international supply.

59. The RTFA will demonstrate below that these conclusions are based on erroneous information.

(a) The downstream industry supports the long-term development of the UK biodiesel industry

60. A durable UK biodiesel industry serves the downstream industry. The point is not the preservation of incumbents for its own sake, but to allow for a level playing field in the UK for the companies

[32] SEF, paragraphs 418-419 (plant stoppages and closure announcements), paragraphs 406-407 and Table 19 (net profit and margins), and Section G1.3.3 (market share).
[33] ICE Biodiesel Diff Futures (Argus HVO fob ARA Range Class II vs Low Sulphur Gasoil 1st Line; contract size 100 metric tonnes): monthly aggregate trading volumes, Exhibit 7.
[34] Argus, HVO/Renewable Diesel Capacity Map, version 1.2, September 2024, Exhibit 8 ; Argus, European Biofuels Market Long-term Forecast, Exhibit 9.

to continue developing and investing in new technologies.

61. Unfair trading practices are the main obstacle to this achievement. So long as subsidised US HVO sets the price in the UK market, no prospective investment can earn a return sufficient to justify the capital commitment, because that investor must compete against an import price depressed by a federal production credit that no UK producer has can access.

62. A measure that neutralises the subsidy restores the price signal for the UK domestic industry and for third-country exporters and thereby widens, rather than narrows, the range of supply available to downstream users over the life of the measure.

63. A level playing field accordingly benefits the entire value chain, including the end consumer, through a more stable and reliable supply base and through protection from the pricing power of a small number of dominant suppliers. The TRA's own competition assessment recognised a risk of increased concentration in the market for higher-blend biodiesel and a risk of loss of consumer choice. The more durable concentration risk, however, runs in the opposite direction to the one the assessment emphasised. Absent a measure, the UK high-blend market is left structurally dependent on a narrow group of subsidised US suppliers, which on the TRA's own findings supplied around 50% of the UK HVO market by volume during the POI, with domestic FAME displaced and no domestic HVO capacity incentivised to develop. For the estimated UK end consumers of biodiesel, dependence on a concentrated, subsidy-backed foreign supply base is the outcome that most plainly threatens stable supply and competitive pricing over time. The long-term downstream interest lies in avoiding that dependence, not entrenching it.

64. The contention that higher-blend users require HVO, and that a measure would strand consumption they cannot replace, is contradicted by the evidence of higher-blend users themselves. The TRA's revised EIT assessment is based on the assumption that higher- and highest-blend users face difficulty or an inability to substitute their current HVO consumption with FAME. Two of the largest higher-blend road-transport operators in the UK have told the TRA the opposite. Each assessed HVO and FAME, and support domestically supplied FAME.

65. [Confidential: Information received by UK customers which are by nature confidential. As a open summary, it is explained that UK downstream industry support a domestic supply of FAME][35]

66. [Confidential: Information received by UK customers which are by nature confidential. As a open summary, it is explained that UK downstream industry support a domestic supply of FAME].[36]

67. This evidence is significant for two reasons. First, it falsifies, for a material part of the higher-blend segment, the substitutability premise on which the revised assessment rests. These operators are not captive to imported HVO, but have actively selected domestic FAME in preference to it, and would, absent a domestic FAME supply, revert not to HVO but to fossil diesel, to the detriment of the very decarbonisation objective the test seeks to protect. Secondly, it demonstrates that the higher-blend downstream interest is aligned with, not opposed to, the long-term development of the UK biodiesel industry. The users in question expressly value a reliable domestic supply and a level playing field, and support the measure as the means of securing both.

(b) The finding on lack of substitutability of high-blend HVO with FAME is incorrect

68. The TRA reconsidered its findings on the size of the high-blend market and the extent to which substitution between FAME and HVO is possible for consumers of the highest blends. In specific, the TRA considered data submitted by third-parties that suggest up to 66% of HVO within the UK was used in higher blends which is not clearly substitutable with FAME. This finding cannot

[35] [Confidential] Exhibit 10.
[36] [Confidential] Exhibit 11.

stand.

69. Moreover, the size of the present high-blend segment is itself substantially a product of the subsidised imports. Before the wave of US imports, UK HVO consumption stood at only around 200.000 tonnes in 2022, a level which may properly be regarded as the structural baseline of genuinely HVO-specific demand, driven by factors such as a preference for HVO100 rather than by any inability to use FAME. Were the FAME blend wall to be fully utilised, residual HVO-only demand in the UK would be close to nil. The 66% figure therefore measures a market position built on the subsidised prices this investigation has confirmed, and cannot be relied upon to show that the two fuels do not compete.

70. HVO and FAME compete concretely through the Renewable Transport Fuel Obligation. Suppliers discharge a single statutory obligation using certificates generated by either fuels. Hence, subsidised US HVO displaces FAME volume and depresses the RTFC values on which UK FAME economics depend – whether a given litre is sold as a low blend or as HVO100. Up to the 7% limit the two fuels are direct substitutes in the blend pool, as the TRA found, drawing on the same principal waste feedstocks.[37]

71. The reliance placed by UKIFDA and Crown Oil on the transition reviews TD0004 and TS0005 is misplaced. Far from ruling that HVO and FAME are distinct, those reviews determined the two to be comparable products – as the TRA expressly reaffirmed in its final determination of 24 November 2025 in the parallel anti-dumping investigation into biodiesel from China (AD0058), rejecting the very argument, advanced there too by Valero, that HVO and FAME should be assessed separately.[38] The reviews therefore refute, rather than support, the opposing position. Nor can the present size of the high-blend segment show that the fuels do not compete, since that segment was built in significant part on the artificially low subsidised prices this investigation has confirmed – and a market position created by a subsidy cannot be invoked to keep the subsidy uncountervailed.

72. The premise that high-blend users are captive to HVO is, in any event, not borne out in practice. The two fuels compete directly for high-blend demand, and FAME wins that competition on the merits where it is allowed to compete on fair terms. [Confidential: Information received by UK customers which are by nature confidential. As a open summary, it is explained that UK downstream industry support a domestic supply of FAME][39]. Far from being captive to HVO, this high-blend consumer has evaluated HVO and chosen FAME.

73. [Confidential: Information received by UK customers which are by nature confidential. As a open summary, it is explained that UK downstream industry support a domestic supply of FAME][40]

74. This conclusion is reinforced by the parallel determination of the European Commission, which examined the very question whether FAME and HVO are interchangeable and found that they are. The Commission held that B100 is a real alternative in the transport sector compatible with most Euro VI engines; that engine modifications are not always required for vehicles approved above B7, as a long list of B10-compatible vehicles in France demonstrates; and that FAME can be used in pure form and in blends in all seasons once its CFPP is corrected by additives.[41] It relied in this respect on the WTO panel report in *EU – Palm Oil (Malaysia)*, which found that FAME and HVO made from the same feedstocks have similar or identical properties and end-

[37] SEF, para. 90-92; EN 590; EN 14214; EN 15940.
[38] TRA, AD0058, Final Determination, 24 November 2025, paragraphs 86-88 (the like goods are FAME and HVO; the TRA maintains its determination in TD0004 and TS0005 that HVO and FAME are comparable products, rejecting Valero's submission of 4 March 2025 that they are distinct).
[39] [Confidential] Exhibit 10.
[40] [Confidential] Exhibit 10.
[41] Commission Implementing Regulation (EU) 2025/261 of 10 February 2025 (biodiesel from China), recital 29

uses and are "highly substitutable" by the relevant consumers.[42]

(c) There are alternative sources of HVO readily available to UK consumers, in addition to the US HVO supply

75. The TRA's revised EIT assessment of the competitive environment rests on a single proposition, that international HVO supply is highly concentrated. The TRA's Notice records that in the international HVO supply, the US represents over two thirds of international supply and a single EU-headquartered company almost one fifth. Since the UK does not currently produce HVO, a measure may lead to significant negative impacts on downstream groups "*who cannot switch to FAME*".[43]

76. The concentration finding does not hold, for two reasons: the relevant indicator to assess alternative options for UK consumers is not supply. It is global capacities. Under this indicator, the development of HVO capacities in third countries other than the US has been triggering much more competition.

77. The TRA is alleging that the US represents over two thirds of international HVO supply. However, this indicator is irrelevant to assess the alternative sources readily available to the UK consumers. It may well be that the US is currently accounting for two thirds of the international supply. In this scenario, such achievement has only been made possible by means of severe unfair trading practices, an experience already evidenced in the UK.

78. If the US has two thirds of the international supply, that does not mean the US is the sole HVO producer worldwide. The EIT is forward-looking and must therefore assess whether the HVO market, over the five-year life of the measure, can accommodate UK demand without putting a disproportionate burden on UK consumers.

79. There are many HVO capacities in third countries readily available to the UK consumers, should a level playing field be restored on the UK market. As shown in the table below, several countries have developed HVO capacities in the past years:

HVO capacities – in tonnes[44]	**2022**	**2023**	**2024**	**2025**
United States	8 678 097	11 388 710	13 931 017	14 805 028
European Union	5 021 061	5 452 418	6 149 766	6 248 830
Singapore	1 300 000	1 516 667	2 600 000	2 600 000
China	1 560 062	1 716 069	1 950 078	2 340 094
Canada	0	132 605	775 351	1 856 474
Malaysia	0	0	0	420 000
South Korea	0	0	100 000	250 000
Indonesia	150 000	150 000	150 000	200 000
Brazil	100 000	100 000	200 000	200 000
Thailand	40 000	40 000	40 000	40 000
Total	16 849 220	20 496 469	25 896 212	28 960 426
Share of the United States (%)	**52%**	**56%**	**54%**	**51%**

Source: EIA (US), GAIN reports for other countries, Exhibit – 12

[42] Panel Report, *European Union and Certain Member States – Certain Measures Concerning Palm Oil and Oil Palm Crop-Based Biofuels*, WT/DS600/R, 5 March 2024, para. 7.1024

[43] TRA's Notice, Economic Interest Test section (Changes to expected impacts on the competitive environment), citing the GBSR report of 18 November 2025.

[44] The capacities shown above also include the capacity to produce sustainable aviation fuel (SAF), since SAF capacity can equally produce HVO.

80. Thus, third-country exporters, notably from the EU, Canada and Singapore, would have a strong interest in exporting HVO to the UK, should a level playing field be restored. The TRA may have directly received comments from third-country exporters in this respect.

81. Many countries have invested in the development of their HVO capacities. Industry databases now track over 100 operational and planned HVO facilities worldwide, operated by some 70 to 80 entities – including substantial new and expanding capacity in the EU and its neighbourhood (among others, Moeve/Apical and Repsol in Iberia, Eni in Italy, and Neste, TotalEnergies, Shell, PKN Orlen and Gunvor) together with new entrants in third countries such as EcoCeres, Acelen and Petrobras.[45] That trajectory is already materialising: in the European Union, Orlen has begun HVO production in Poland with installed capacity of a further 300 000 tonnes (approximately 384 million litres) ,[46] and in Thailand, Bang Chak has begun production at its Phra Khanong refinery with capacity of around 300 000 tonnes (approximately 384 million litres), each bringing new supply online in early 2026.[47]

82. UK demand must be set against that supply base. Total UK HVO consumption in 2025 was approximately 567 million litres (0,442 million tonnes): in the light of capacities of third countries other than the US, UK downstream operators have plenty of alternative sources to meet the UK demand.

83. Hence, the UK faces no realistic risk of being unsupplied with fair HVO imports; the measure assists diversification of sources, including the prospect of renewed UK production, rather than impeding it. At the same time, independent market resources confirm that the HVO production capacity in the EU will increase by [Confidential: 40-65%] in the next five years, ensuring adequate supply to the UK market.[48]

84. In view of the above, the US supply concentration the TRA identifies supports the imposition of a countervailing duty, rather than running against it. The dominant global supplier is the very exporter whose subsidisation the TRA has just confirmed; given large HVO capacities in other third countries, the premise that downstream users would not have an alternative is flawed; The forward-looking assessment the EIT requires must address the growing HVO capacities worldwide today and over the five-year life of the measure.

4. The difference of NOx emissions that may exist between FAME and HVO is marginal and does not weigh against the imposition of countervailing measures

85. At the SEF stage, the TRA concluded that the environmental impacts of a measure were unlikely to be significant, because the RTFO ensures that the overall supply of renewable fuel remains constant whichever biofuel discharges it.[49] That reasoning remains correct: if the measure prices out subsidised US HVO, the obligation is met by UK FAME and third-country HVO, with no net loss of decarbonisation. The downstream parties' headline comparison, an 80% to 90% saving for pure HVO against around 6% for a B7 blend – is not like-for-like: it sets a neat fuel against a 7% blend, whereas on a like-for-like basis waste-based FAME delivers lifecycle savings of a broadly comparable order.

86. In any event, the premise that the price premium of HVO reflects superior environmental credentials is misplaced. Under the RTFO, waste-based FAME and waste-based HVO carry identical sustainability credentials. Both may be produced from the same waste feedstocks, both are verified under the same third-party sustainability schemes, and both generate the same

[45] Ibid,
[46] Orlen, press release, 27 May 2026, Exhibit 13.
[47] Bang Chak, press release, 18 May 2026, Exhibit 14.
[48] [Confidential], Exhibit 15.
[49] TRA's Notice, Economic Interest Test section (Changes to expected environmental impacts), summarising the SEF position; Renewable Transport Fuel Obligations Order 2007 (SI 2007/3072), as amended.

compliance credits, waste-based fuels being double-counted alike. The Department for Transport's RTFO compliance guidance establishes a level playing field through the certificate-trading mechanism; it looks to feedstock source and greenhouse-gas savings, not to the chemical process (esterification as against hydrotreating). Any price premium of HVO over FAME is therefore a scarcity, processing and feedstock effect, and not a distinction in the quality of carbon reduction.

(a) The "high-blend FAME" effects are irrelevant to the regulated UK road fuel

87. The "mileage drop and increased NOx" which the P66 submission attributes to FAME are expressly attributed to high FAME blends.

88. The downstream parties' comparison of energy content rests on inconsistent denominators. HVO is quoted by mass, where it exceeds fossil diesel (about 44 MJ/kg against 43), and FAME by volume, where its density and oxygen content count against it. On the only basis that governs mileage, energy per litre, both fall below fossil diesel: approximately 36 MJ/L for diesel, 34 for HVO and 33 for FAME.[50] HVO is thus around 6% below diesel's energy per litre against roughly 8% lower for FAME, and is not "on par" with fossil diesel as the submission asserts. Its lower density is written into EN 15940, and neat HVO fails EN 590 precisely because it lacks energy density. A mileage penalty therefore attaches to HVO as well, merely a smaller one.

89. Moreover, the regulated UK road fuel is B7: diesel sold for road use must conform to the applicable specification, including a maximum FAME content of 7% by volume.[51] At a 7% inclusion rate, the FAME fraction's per-litre energy effect on the finished blend is of the order of half of one per cent, and any fuel-related NOx effect is correspondingly diluted to fractions of a per cent. Effects said to arise in high blends that are not lawfully sold as standard UK road fuel cannot be attributed to the FAME actually consumed in the regulated UK market.

(b) Tailpipe NOx is controlled at the vehicle under the applicable type-approval law, irrespective of fuel

90. The NOx "combustion test" results relied upon are engine-out bench measurements; they do not describe what reaches the air. In a compliant vehicle, tailpipe NOx is held to fixed limits set by the type-approval legislation applicable in the UK – Regulation (EC) No 715/2007 (Euro 6) and Regulation (EC) No 595/2009 (Euro VI), as assimilated law applied through the GB type-approval framework – and those limits are met by mandated after-treatment, in particular selective catalytic reduction and exhaust gas recirculation.[52] The after-treatment regulates tailpipe NOx to the same limit regardless of the fuel's combustion characteristics: whatever marginal engine-out differences exist between HVO and FAME, they are absorbed by the after-treatment and do not distinguish the fuels in use.

91. Against that framework, the new NOx evidence in the TRA's Notice, that NOx emissions are higher for FAME than for HVO, which the TRA expects to be negative but not significant,[53] calls for two observations. First, any environmental limb cannot be weighed against the measure, since the non-imposition of duties would undermine the environmental cause. Second, the NOx debate is in any event largely moot: NOx is controlled at the vehicle, not at the fuel, and the differences are marginal in practice, as the TRA itself has concluded.

---

[50] Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p. 82.

[51] The Motor Fuel (Composition and Content) Regulations 1999 (SI 1999/3107), regulation 4 and Schedule 2, as amended by the Motor Fuel (Composition and Content) (Amendment) Regulations 2010 (SI 2010/3035), implementing the 7% volumetric limit on FAME content reflected in BS EN 590.

[52] Regulation (EC) No 715/2007 and Regulation (EC) No 595/2009, as assimilated law; the Road Vehicles (Approval) Regulations 2020 (SI 2020/818).

[53] TRA's Notice, Economic Interest Test section (Changes to expected environmental impacts).

(c) The potential exit of FAME producers due to the subsidized imports would undermine the environmental cause

92. In any event, in so far as the environmental position in the high-blend segment is relevant at all, it speaks against the reversal, not for it. The high blends to which the P66 submission points are consumed by operators who have chosen them as a deliberate decarbonisation measure, and the real-world alternative to high-blend FAME for those operators is not HVO but a return to fossil diesel. [Confidential: Information received by UK customers which are by nature confidential. As a open summary, it is explained that UK downstream industry support a domestic supply of FAME].[54] The subsidised US HVO that this investigation has confirmed is precisely what threatens the viability of the UK FAME supply on which such operators depend. Leaving the subsidisation unaddressed would therefore not advance the environmental objective the opposing parties invoke; it would set it back, by displacing a domestic decarbonisation pathway that committed users have actively chosen and pushing them back towards fossil fuel.

5. Other major considerations call for the imposition of countervailing duties in the present case

93. In an anti-subsidy investigation, the EIT test is presumed to be met: a countervailing measure is taken to be in the economic interest of the United Kingdom unless the TRA, or the Secretary of State, is satisfied under paragraph 25(3) that its application is not in that interest. The presumption is displaced only where the negative effects of the measure on the UK economy would be disproportionate to the benefit of removing the injury caused to the UK industry by the subsidised imports. In conducting that assessment the TRA must have regard, so far as relevant, to: (i) the injury caused to the UK industry and the benefit to that industry of removing it; (ii) the economic significance of the affected UK industries and consumers; (iii) the likely impact of the measure on those industries and consumers; (iv) its likely impact on particular geographic areas or groups; (v) its likely effect on the competitive environment and market structure within the UK market; and (vi) any other matter the TRA considers relevant.

94. Assessed against those criteria, several considerations beyond those addressed factor by factor above weigh in favour of the measure and were not given their proper weight in the Notice. Fourt are developed in turn below:

- First, leaving the subsidisation unaddressed would not preserve competition but erode it, entrenching the very foreclosure and market concentration that the TRA seeks to prevent, and doing so on the basis of a subsidy which, on the forward-looking evidence, is expanding rather than diminishing over precisely the period the measure would run (a).

- Second, the new downstream evidence on which the revised assessment relies must be weighed in light of the commercial interests it in fact serves, which in material respects are those of subsidised US producer-exporters rather than of any UK industrial interest (b).

- Third, the economic significance of the UK FAME industry, and the localised impact on identifiable production communities o, reinforce the case for protection (c).

- Finally, the restoration of a level playing field is needed to contribute to the UK's energy independence and strategic autonomy (d).

(a) Leaving unfair trade unaddressed in the UK will lead to further concentration and foreclosure

95. The TRA should have placed greater weight on the clear evidence that subsidisation in the United

[54] [Confidential] Exhibit 10.

States is set to increase, tilting the competitive playing field still further in favour of subsidised US supply and against the unsubsidised UK industry. Restoring and maintaining a level playing field is a core purpose of the measure. Yet the forward-looking evidence shows that field tilting further over precisely the period the measure would run, not levelling.

96. The TRA's Notice finds that present subsidisation of US HVO producers is established under the CFPC, a programme that runs until at least 2030, confers up to USD 1,00 per gallon, is transferable for cash, and whose budgetary cost the US Joint Committee on Taxation projects to rise from USD 2,1 billion in 2025 to USD 10,5 billion by 2029. A finding of present and expanding subsidisation is irreconcilable with the conclusion that the benefit of countervailing it has diminished. Indeed, the TRA's own subsidy analysis in the same Notice concludes that the "*maximum benefit conferred by the CFPC is likely to exceed the BTC in the coming years*".[55] The subsidy analysis and the EIT analysis therefore point in opposite directions, and it is the EIT analysis that must yield: a forward-looking test cannot discount the benefits of removing an injury which, on the same forward-looking analysis, will intensify over precisely the prospective period of the measure.

97. Indeed, the CFPC is part of the US industrial policy directed at scale and global position, not short-term relief. On the same JCT projection, the budgetary cost rises roughly five-fold across the period – some USD 33,1 billion cumulatively over 2025 to 2029[56] – and the One Big Beautiful Bill Act ("OBBBA") has further enriched and extended the programme.[57]

98. This is reflected in the 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 specific, under the US Renewable Fuel Standard ("RFS")[58], the Environmental Protection Agency sets annual Renewable Volume Obligations ("RVOs") requiring obligated parties, refiners and importers of petroleum-based gasoline and diesel sold in the United States, to introduce a defined volume of renewable fuel into the US transportation fuel pool, of which a sub-category is "biomass-based diesel". Compliance is achieved either by physical blending or by acquiring Renewable Identification Numbers ("RINs") generated by domestic producers and importers of qualifying renewable fuel. The RFS therefore creates a stable demand pull in the United States for HVO and underpins the value of RINs.

99. The US Environmental Protection Agency adopted in 2026 a new set of rules that sharply increased RVOs for 2026 and 2027 (the "Set 2" rulemaking), together with a reduction in the RINs generated for imported renewable fuel and fuel produced from foreign feedstocks (the "import RIN reduction" or "IRR"). [59]

100. 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*"[60].

101. Further, the OBBBA removes the Indirect Land Use Change ("ILUC") penalty from the lifecycle greenhouse gas emissions calculation under § 45Z from 2026 onwards. This is significant because

[55] TRA's Notice, p. 10.
[56] JCT, Estimates of Federal Tax Expenditures for Fiscal Years 2025-2029, JCX-45-25; RTFA Note of 5 May 2026, Exhibit 16.
[57] OBBBA, Pub. L. 119-21, § 70521; 26 U.S.C. § 45Z(f)(1)(A)(iii); 26 U.S.C. § 6418.
[58] 42 USC § 7545(o), Exhibit 17.
[59] EPA Press Release, dated 27 March 2026, EPA Finalizes Historic New Renewable Fuel Standards, Exhibit 18; 40 CFR Parts 63, 80, and 1090, 16390-16391, Exhibit 19.
[60] Growth Energy: EPA's RVO Proposal Upholds Commitment to Biofuels, Strengthens Rural America, 13 June 2025, Exhibit 20. The press release referred to the proposed RVO which were slightly smaller than the final ones.

the ILUC factor previously inflated the carbon intensity scores of crop-based feedstocks such as soybean oil and canola, reducing the per-gallon credit value for HVO produced from these inputs. Its removal lowers their carbon intensity scores by an estimated 20–25 g CO_2e/MJ, thereby increasing the per-gallon credit available for crop-based HVO production.[61] The National Oilseed Processors Association ("NOPA") and the American Soybean Association ("ASA") confirmed on 3 February 2026 that the ILUC removal "*will effectively double the value of the 45Z tax credit for soy-based biofuels and provide eligibility for other feedstocks like canola*"[62].

102. In a press release dated 27 February 2026, MRL clearly provides that "*forward-looking statements*" include their "*ability to monetize federal clean fuel production tax credits CFPCs under Section 45Z of the Internal Revenue Code and the price [MRL expects] to receive for CFPCs*"[63]. Indeed, Calumet's CEO confirmed on the Q4 2025 earnings call that MRL "*monetised more than 90 million USD of production tax credits, which was essentially everything we made*"[64]. An additional 8,4 million USD in 2025 CFPCs were subsequently recognised based on updated estimates in Q1 2026[65], bringing total CFPC benefits to approximately 98,4 million USD for fiscal year 2025.

103. 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. Or: There is no empirical evidence to suggest the US Government intends to scale back the subsidization in the US biodiesle sector. 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*"[66].

104. There is no element currently available that would indicate that the US Government intends to terminate the subsidization in the US biodiesel sector. To the contrary, the US Government is bound to retain and even increase its state support and funding for biofuels. In the words of US Secretary of Agriculture Brooke L. Rollins:

> "*There is no greater advocate for our nation's corn, sorghum, and soybean growers than President Trump. We are seeing increased biofuel demand both at home and abroad like never before. American corn, sorghum, and soybean growers fuel America and the world, and we will continue to ensure they are able to do that, but at an even faster rate under the Trump Administration. […]*
>
> *The Trump Administration has proven it is the most pro-biofuels administration in our nation's history, sending a clear market signal there is a growing need for American grown commodities for fuel use. With support for nationwide year-round E-15, the highest Renewable Volume Obligation (RVO) proposal in our nation's history, and extending the 45Z biofuel tax credit through 2029 in the One Big Beautiful Bill, the Trump Administration is unleashing new domestic and international markets for our farmers and ranchers like never before. We are just getting started*"[67].

[61] Clean Air Task Force, Analysis of ILUC Removal under OBBBA (2025), Exhibit 21.
[62] National Oilseed Processors Association ("NOPA") and American Soybean Association ("ASA"), Joint Press Release, 3 February 2026, Exhibit 22.
[63] Calumet Q4 2025 Earnings Call, as reported by Motley Fool, Exhibit 23.
[64] *Ibidem*.
[65] *Ibidem*.
[66] Press release, Thomson Reuters, "US EPA proposes higher biofuel blending volumes through 2027" 13 June 2025, Exhibit 24.
[67] US Secretary of Agriculture, Press Release, 13 June 2025, Exhibit 25.

105. Market evidence confirms that US producers are already restructuring their supply chains to maximise CFPC eligibility under the new domestic feedstock requirements. Imports of foreign feedstocks are gradually being replaced by domestic feedstocks.[68]

106. Therefore, the TRA should have assessed in its forward looking exercise how the injury would be extended in light of these considerations.

107. Among else, the TRA failed to properly address the issue of dependency and concentration. The dominant market presence of US producers should not be seen as a reason not to impose duties, but to the contrary. If the US accounts for over two thirds of international HVO supply, then the dominant global supplier is the subsidised supplier and prevents other fair suppliers from offering their products. That dominance is not an accident of comparative advantage; it is the product of two decades of federal support – the BTC and now the CFPC, which the TRA has just found to constitute present, countervailable subsidisation. A single US producer, DGD, operates capacity of approximately 4,5 billion litres per year, some six times total UK consumption.[69]

108. This is borne out by the present composition of UK supply. Practically all of the HVO consumed in the UK is of US origin. Were US HVO competing on equal terms with non-US suppliers, that would not be so. The UK market has no inherent preference for US product, and the US position reflects nothing other than the artificially low price that subsidisation permits. The near-total displacement of EU and other third-country HVO from the UK market is itself evidence of foreclosure, which a measure would reverse rather than entrench.

109. Dependence then converts into pricing power, and the TRA's own findings prove the trap. Should the duties not be imposed, US producers will be able to continue to undercut the UK FAME industry and will discourage other third-country exporters to sell their products on the UK market.

110. Once US HVO exporters have consolidated their market dominance, by foreclosing other FAME and HVO suppliers through predatory under-pricing, supported by heavy subsidisation, they will be able to redress prices, free of competitive constraint: the cheap subsidised HVO some consumers – sometimes related to US exporters like P66 - prize today is the mechanism of dominant pricing tomorrow in the UK HVO and FAME markets, a cost the welfare model omits entirely.

(b) The TRA should carefully assess the deeper motives behind the new evidence received by alleged "UK" downstream parties

111. The TRA should carefully assess the deeper motives behind the positioning of certain downstream companies.

112. In this respect, the position of Phillips 66 is instructive as to whose interests the opposition to the measure actually serves. P66 is itself a sampled US exporting producer in this investigation, with its own individual subsidy margin; it is, in other words, a direct beneficiary of the very US subsidisation that the TRA has now confirmed.[70] At the same time, P66 is engaged in co-processing operations at its Humber refinery in the UK, capable of producing co-processed renewable diesel or sustainable aviation fuel. However, the RTFA understands that this company is forced to put US interest first, to the detriment of its production capabilities in the UK.

113. The segment's most recent results show how that benefit operates in practice. P66's renewable fuels segment, which spans its Rodeo complex in California and the Humber refinery in the UK,

[68] US Energy Information Administration, Today in Energy, dated 4 September 2025, Exhibit 26; Stillwater Associates, September 2025, Analysis of Feedstock Policy on U.S. Renewable Fuels Production, Exhibit 27.
[69] DGD FY2024 Consolidated Financial Statements, Note 1; SEF, Table 3 (UK consumption of approximately 787 million litres in 2024), Exhibit 28; RTFA Comments of 9 April 2026, paragraph 59.
[70] SEF, Table 34 (individual subsidy amounts, including P66).

reduced its reported pre-tax loss from USD 185 million in the first quarter of 2025 to USD 41 million in the first quarter of 2026, while increasing production, and expressly cited higher tax credits as a supporting factor in reducing its pre-tax loss.[71] The subsidy is thus sustaining, and expanding, an operation that would otherwise be loss-making and with it the below-cost supply that undercuts UK producers.

114. The inference is plain. A group with UK production capability, which chose not to use it for HVO, prefers to supply the UK market with subsidised US production. In this case, the group is shielded from the subsidisation that injures the unsubsidised UK industry since it receives the benefit of said subsidization. Its opposition, and that of UKOITC (which is hosted at P66's London offices and adopts the P66 submission), reflects the commercial interest of a subsidised US producer-exporter in preserving unimpeded access to the UK market; it is not the voice of a UK industrial interest. The weight to be attached to that opposition within an assessment of the UK's economic interest should be assessed accordingly.[72]

(c) Economic significance and the impact on particular areas and groups

115. The UK FAME industry comprises the three producers that supported the application – Greenergy, Argent and Olleco, that face significant constraints.

116. The need to maintain a UK FAME industry is not captured by turnover alone: they convert domestic waste feedstocks into a strategic low-carbon fuel, sustain skilled industrial employment, anchor a domestic waste-to-fuel supply chain, and underpin the UK's capacity to meet its renewable-fuel obligations from domestic production rather than imports.

117. As to particular areas and groups (Factor 4), the impact of declining the measure falls on identifiable communities. The TRA records UK production centres at Teesside, Immingham, Liverpool and Ellesmere Port, together with the Motherwell site in Scotland that closed on 31 May 2024, citing the effects of subsidised US renewable diesel.[73] The post-POI events confirm that the harm is concrete and localised: Greenergy announced the cessation of production at Immingham after the POI, putting a further 60 jobs at risk, and both UK producers cited difficult market conditions due to US HVO imports.[74] These are skilled industrial roles in established clusters, not readily replaced; the geographic concerns raised by the opposing parties are met by the continued availability of HVO from diversified sources and, where genuinely acute, were already weighed at the SEF stage.

(d) Restoring a level playing field contributes to the UK's energy independency and strategic autonomy

118. Beyond the enumerated factors, the EIT permits the TRA to weigh any other matter it considers relevant to the UK's economic interest. The security and resilience of the UK's renewable-fuel supply, and the degree to which the UK retains control over its own decarbonisation pathway, are such matters. They weigh in favour of the measure. A domestic FAME industry is not merely one commercial supplier among others; it is the only segment of the UK renewable road-fuel supply chain that is domestically owned, domestically operated, and supplied from domestic feedstocks. Its preservation is a question of strategic autonomy, not only of competition.

119. The UK FAME industry converts domestic waste feedstocks, used cooking oil, tallow and other

[71] Phillips 66, "Phillips 66 Reports First-Quarter Results: Expanded Capacity and Continued Strong Operations", news release, 29 April 2026, Exhibit 29 (Renewable Fuels segment pre-tax loss of USD 41 million (1Q 2026) against USD 185 million (1Q 2025); renewable fuels production of 40 thousand barrels per day; segment mark-to-market pre-tax charge of USD 120 million; "Renewable Fuels pre-tax loss … partially offset by higher credits").
[72] UKOITC letter, 2 January 2026.
[73] SEF, paragraph 142.
[74] SEF, paragraphs 418-419.

waste oils collected within the UK, into a strategic low-carbon transport fuel. That domestic waste-to-fuel chain keeps the production of a mandated fuel, and the value and employment associated with it, onshore and under UK control. It allows the UK to meet a material part of its renewable-fuel obligations from its own production rather than from imports, and it does so using inputs that are not exposed to the policy choices of any foreign government. The loss of that capability cannot be reversed at will. Once domestic production is shut, as has already occurred at Motherwell and as is now in prospect at Immingham, the feedstock chains, plant and skilled workforce do not readily reconstitute.

120. The alternative to a domestic FAME industry is not a diversified import market but structural dependence on a single, concentrated and subsidised foreign source. The availability and price of US HVO to UK buyers are increasingly governed by US domestic priorities, the Renewable Fuel Standard and its rising Renewable Volume Obligations, the reduction in RINs generated for imported and foreign-feedstock fuel, and the domestic-feedstock restriction now attaching to the §45Z credit, each of which is calibrated to serve the US market first. A supply that a foreign government can redirect to its own domestic obligations is not a secure foundation for UK energy policy.

121. Removing the subsidy distortion advances strategic autonomy in a second way. It restores the conditions for supply diversification. So long as subsidised US HVO sets the UK price, neither a domestic FAME industry nor new UK HVO and SAF capacity nor unsubsidised third-country suppliers can compete for UK demand, and the market consolidates around the subsidised source. A measure that neutralises the distortion opens the UK market to a wider and more resilient supply base.

122. A connected point concerns the principal co-product of domestic FAME production. [Confidential: Information about the strategic product derived form by-product for the UK national security].

123. This is, finally, the resilience that UK users themselves identify as decisive. The higher-blend operators chose domestically supplied FAME precisely for its "*reliability of supply*", and warned that "*a reliance on non-UK biofuels could restrict our abilities to decarbonise effectively and ultimately lead to greater costs to consumers*". Their concern is not abstract. It is the operational judgement of coach operators in the country that security of a domestic supply is worth preserving. The UK's economic interest in retaining a sovereign, diversified and resilient renewable-fuel supply, rather than one dependent on the subsidised production and shifting policy of a single foreign state, is served by the measure, not by its absence.

III. CONCLUSIONS

124. Drawing the strands together, none of the post-SEF material – the price divergence, the asserted reduction in benefits, the concentration finding or the NOx evidence – alone or cumulatively satisfies the demanding statutory threshold. Each points the other way, and the presumption that the measure is in the UK's economic interest stands.

125. The RTFA accordingly requests that the TRA:

- **Maintain** its finding that present subsidisation of US HVO producers is established under the CFPC and proceed to a final affirmative determination;

- **Revert** to the conclusion reached in the SEF that the Economic Interest Test is met, the statutory presumption not having been displaced by the post-SEF material;

- **Disclose** the updated analysis underlying the revised EIT assessment and afford parties a proper opportunity to comment before any final determination is made; and

- **Recommend** to the Secretary of State the imposition of a countervailing duty for five years, at the levels set out in the SEF.

126. The RTFA also requests the TRA to examine whether a specific form of the duty may solve the TRA's concern about the potential increase of HVO prices in the future. The TRA has already examined the possibility to resort to a fixed £/tonne duty, which may, in RTFA's view, **fully neutralise any negative effect of an HVO price increase on the downstream users and consumers**.

127. By way of illustration, and taking the POI landed price of US HVO of approximately £1.056/tonne,[75] a duty set at an illustrative ad valorem rate of 24,4% would correspond to a fixed duty of £257,8/tonne (the proposed CVD to P66, per SEF). At that baseline price the two forms are equivalent, each yielding a duty of £257,8/tonne and a landed cost of approximately £1.314/tonne. The following table provides the specific impact of the duty to the downstream user in case of a theoretical price spike of 700:

In £/tonne	**Baseline market**	**Price spike (+£700/tonne)**
HVO CIF	1 056,12	1 756,12
Fixed Duty (£257,8/tonne)	257,8	257,8
Landed Cost-fixed duty	**1 313,92**	**2 013,92**
Ad Valorem duty (24,4%)	257,8	428, 67
Landed cost- ad valorem duty	**1 313,92**	**2 184,79**
Additional cost to downstream user (ad valorem v. fixed)	**-**	**+170,87**

Source: HVO CIF derived from SEF

128. As shown above, should the market price rise by £700/tonne to £1.850/tonne, the fixed duty would remain £230/tonne, whereas the ad valorem duty would rise to £370/tonne. The downstream user would thus bear an additional £140/tonne under the ad valorem form, for no corresponding neutralisation benefit, while under the fixed duty its cost would remain wholly insulated from the duty-driven element of the price increase. A fixed £/tonne duty, calibrated to the definitive subsidy margin (as the TRA did so in the SEF), therefore fully neutralises any duty-driven amplification of an HVO price increase for downstream users and consumers.

129. A measure in that form would reconcile any TRA concern with the statutory presumption; recommending no measure does not. The TRA's own guidance supports such alternative options: where it concludes the test is not met when recommending final measures, the TRA "*will assess whether an alternative option exists that is in the economic interest of the UK*".[76]

* * *

[75] This is based on the specific duty proposed by the TRA for P66 in the SEF.
[76] TRA website, Applying the economic interest test Guidance, 5 November 2025, "Conclusion on the EIT", Exhibit 1.