



21 August 2024,

Trade Remedies Authority (“TRA”)
Premier House
60 Caversham Road
Reading
RG1 7EB
United Kingdom (“UK”)

OPEN VERSION

Our client: Renewable Transport Fuel Association (“RTFA”)

To: Trade Remedies Authority

Re: Case AD0058 – Biodiesel imported into the UK from China – RTFA’s Comments on the TRA’s Proposal to Amend the Scope

1. RTFA refers to the TRA’s Note to Public File of 14 August 2024, proposing to revise the scope of the investigation (“Proposal to Amend the Scope”),¹ which followed a Request for Information (“RFI”) published by the TRA on 14 June 2024 inviting parties to provide views and supporting evidence on the scope of the investigation.
2. RTFA takes note of the TRA’s decision to remove SAF from the description of the goods concerned. TRA justified the removal of SAF from the scope by stating, *inter alia*, that the proposed revision would not cause any prejudice to the interests of any interested party. Moreover, the TRA claimed that the production of SAF involves distinct production processes, raw materials, and price differences compared to HVO and FAME.²

¹ Trade Remedies Authority, Case AD0058: Biodiesel imported into the United Kingdom from the People’s Republic of China, Note to Public File: Proposal to revise the scope of the investigation, published on 14 August 2024 (“Proposal to Amend the Scope”).

² Proposal to Amend the Scope, pp. 3-4.

3. In response to the TRA's preliminary conclusions, RTFA reiterates its position against revising the product scope post-initiation and until a full investigation is conducted, which was detailed in its submissions dated 28 June and 17 July 2024.
4. As previously articulated by RTFA, fostering the growth of a robust HVO and SAF industry within the UK necessitates the assurance of a level playing field for domestic producers. This condition is paramount to the successful development of any industry³. However, this objective cannot be realised if the UK does not address the dumped and/or subsidized SAF imports from China.
5. In the event that SAF is excluded from the scope of the present investigation, RTFA strongly encourages the UK authorities to adopt a proactive stance and to implement solutions, whether through separate proceedings or alternative instruments, to ensure a level playing field and equitable conditions for the emerging UK SAF industry. Absent such future intervention, the UK biodiesel sector will be unable to attain the necessary level of competitiveness to reduce its reliance on unfair imports.
6. Moreover, RTFA is concerned that the exclusion of SAF from the scope of the present investigation is likely to cause difficulties at the UK border. In the absence of specific customs codes exclusively dedicated to SAF and due to the fungible nature of biodiesel, the SAF exclusion could facilitate the circumvention of any future anti-dumping duties to be imposed, enabling the importation of biodiesel from China under the guise of SAF, thereby evading applicable duties through minimal processing or fraudulent labeling. RTFA thus considers that the CN codes covering biodiesel products will eventually need to be refined in light of the SAF exclusion, ensuring that adequate distinctions between SAF and other types of biodiesel are drawn and rigorous inspections are regularly conducted to prevent such fraudulent practices. RTFA encourages the TRA to implement specific measures to monitor the imports of SAF from China into the UK and require operators to provide specific documents to track the source of such imports.
7. Notwithstanding the exclusion or maintenance of SAF within the scope, RTFA insists that the TRA should immediately proceed with the registration of biodiesel imports from China and the imposition of a guarantee as per the RTFA's request from 9 May 2024, since this risk-mitigating measure is not only necessary but also in the interest of the UK industry.

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³ RTFA's Comments on the Product Scope of 28 June 2024, paras. 36-44.