



**ER0083 & ER0084**

**Expiry Reviews of dumped and subsidised biodiesel products originating in the United States of America (“U.S”) (including biodiesel products consigned from Canada)**

**Comments to the submission filed by the Government of Canada**

**Submitted by the Renewable Transport Fuel Association (“RTFA”)**

**OPEN VERSION**

**8 June 2026**

## I. Introduction

1. On 26 May 2026, the Government of Canada (“Canada”) submitted comments in the context of the expiry review investigations of the anti-dumping and countervailing measures applicable to imports of biodiesel products originating in the U.S, as extended to Canada.
2. Canada alleges that the measures applicable to imports of biodiesel products consigned from Canada should expire, because there is no evidence of transshipment of U.S biodiesel via Canada to the United Kingdom (“UK”). According to Canada, since the measures were applied to goods consigned from Canada following the transition review of the EU measures, the TRA would allegedly be under an legal obligation to demonstrate that there is transshipment of subsidised and dumped U.S. biodiesel through Canada to the UK, whether in the present expiry review proceedings or in related past proceedings. Should this argument be rejected by the TRA, Canada is requesting that the TRA extends the exemptions granted by the European Union (“EU”) to two Canadian biodiesel producers, namely BIOX Corporation and DSM Nutritional Products Canada Inc.
3. The RTFA cannot concur with Canada on its main argument that measures on biodiesel imports consigned from Canada should be discontinued in the present case. As will be explained below:
  - Canada fails to understand that the anti-dumping and countervailing measures imposed by the UK do not apply to imports of genuine Canadian biodiesel: UK measures target U.S dumped and subsidised biodiesel imports transhipped via Canada. Canadian producers are legally entitled to export their biodiesel products to the UK provided that they demonstrate they have not been engaged in circumvention practices with US exporters, through the exemption proceeding foreseen in the UK trade remedy legislations; **(II)**
  - It is wrong to affirm that previous proceedings have not established that U.S biodiesel exporters were engaged in circumvention practices, notably through transshipment via Canada, to bypass the trade remedy measures imposed by the EU and the UK. In 2011, the Council of the European Union, composed of its 28 Member States - which included, at that time, the UK – extended the anti-dumping and countervailing measures on US biodiesel imports to biodiesel imports consigned from Canada; **(III)**
  - In an expiry review proceeding, the TRA is requested by law to examine if there is a likelihood of continuation or recurrence of injurious dumping, should the measures be removed. Canada is asking the TRA to conduct a test – namely to evidence transshipment of dumped and subsidised U.S biodiesel through Canada to the UK – that is irrelevant in the context of expiry reviews; **(IV)**
  - Should its main argument be rejected by the TRA, Canada is requesting that the exemptions granted by the EU in 2011 and 2015 for the two Canadian exporting producers – i.e. BIOX Corporation and DSM Nutritional Products Canada Inc. – be extended to the UK. RTFA’s position is that as long as these Canadian companies obtained exemption by the EU (and thus by UK as a member of the EU), they should be entitled to benefit from this exemption in the UK, in so far as the conditions have not changed **(V)**.

## II. There are no trade remedy measures imposed by the UK on imports of genuine Canadian biodiesel

4. In its submission, Canada repeatedly argues that trade remedy measures apply “to Canadian goods”, “against Canada”, and stresses there is no allegation that Canadian biodiesel is dumped or subsidised.
5. Canada is right that neither the UK (or the EU) has ever found that Canadian biodiesel was dumped and/or subsidised. Canada seems to have a misconception of the measures imposed by the UK: the anti-dumping and countervailing duties apply to US biodiesel imports transhipped via Canada, **not to genuine Canadian biodiesel**. In this respect, the anti-circumvention measures exist solely to prevent U.S. exporters from circumventing the trade remedy duties by routing US biodiesel through Canada.
6. Canadian biodiesel producers are **legally entitled** to request before the TRA an exemption to export their Canadian biodiesel to the UK, free of any trade remedy duty. To do so, they should engage in an exemption proceeding, which main purpose is precisely to allow Canadian producers to export their biodiesel to the UK, provided that they can demonstrate they have not engaged in circumvention practices. Such proceeding is foreseen by the UK trade remedy legislations and has already been used in the past in other trade remedy proceedings.
7. The RTFA thus fails to understand why Canada is alleging that there was no evidence of transshipment of biodiesel via Canada to the UK, despite there being an investigation conducted by the Council of the EU – to which the UK was a member at that time. Canada’s argument is thus surprising to the RTFA, as it seems to support circumvention practices from US exporters to the EU and the UK, while any WTO member should support other WTO members in their fight to address circumvention practices.
8. The RTFA also fails to understand why resorting to the exemption procedure could infringe the rights of Canadian biodiesel producers. This procedure is part of the UK trade remedy legislations and can be used provided that the conditions are met.

## III. Previous investigations concluded that US biodiesel exporters were engaged in circumvention practices through transshipment of US biodiesel via Canada

### (i) Council Implementing Regulation 444/2011 concluded that circumvention practices by US exporters took place

9. Canada argues that there would allegedly be “no evidence” of circumvention practices by U.S biodiesel exporters through transshipment via Canada to the UK.
10. Yet, Council Implementing Regulation 444/2011 of 5 May 2011<sup>1</sup> validated the investigation conducted by the European Commission, in which it found that circumvention practices by U.S exporting producers were taking place to bypass the original anti-dumping and countervailing

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<sup>1</sup> Council Implementing Regulations (EU) No 443/2011 and No 444/2011 of 5 May 2011 extending the definitive anti-dumping and anti-subsidy duty imposed by Regulation (EC) No 598/2009 and 599/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore.

measures imposed on 10 July 2009<sup>2</sup> by the Council of the EU, to which the UK was a member.<sup>3</sup> At that time, the measures were imposed on the territory of the Union, which included the UK. Whether the circumvented imported goods arrived in Cyprus, Netherlands or the UK is irrelevant in the context of this analysis. These circumvention practices by U.S biodiesel exporters affected the entire Union industry, which included, among others, the UK, Spanish, French, German biodiesel industries.

11. During its 2011 anti-circumvention investigation, the European Commission found that :
  - There was a collapse of U.S. exports of biodiesel to the EU market (which included the UK) after the imposition of the original measures;
  - This collapse was followed by a surge of Canadian exports to the EU market (which included the UK) over the same period;
  - There was a substantial increase in U.S. exports to Canada, exceeding Canadian demand; and
  - There was insufficient Canadian production capacity to produce the biodiesel exported to the EU market (which included the UK).<sup>4</sup>
12. These findings are still valid in the UK legal order.
  - (ii) **The TD0004 and TS0005 transition reviews conducted by the TRA concluded that the measures on U.S biodiesel imports as extended to Canada should be maintained in the UK, after the UK withdrawal from the EU**
13. When the UK withdrew from the EU, the newly created UK Trade Remedies Authority (TRA) conducted transition review investigations to determine if anti-dumping or countervailing duties imposed by the EU should be maintained in the UK.
14. Transition reviews evaluate the need for inherited duties by investigating three main questions:
  - *Continuation of injury/dumping*: Would UK industries still suffer financial injury or face dumped/subsidised imports if the duties were removed?
  - *Economic Interest Test*: Does keeping or removing the measure benefit the UK economy as a whole, including both domestic manufacturers and downstream consumers?
  - *Appropriate levels*: Are the duty rates appropriate, or should they be recalculated to protect UK businesses fairly?
15. Based on transition reviews, the TRA may recommend that the Secretary of State for Business and Trade can take one of three actions: (i) maintain the measure (keep the duty as it is for up to five years); (ii) vary the measure (adjust the duty rate to better fit the UK market) or (iii) revoke the measure (cancel the duty entirely).

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<sup>2</sup> Council Regulation (EC) No 599/2009 of 7 July 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in the United States of America, OJ L 179, 10 July 2009, p.26.

<sup>3</sup> The Council of the European Union is composed of one government minister from each of EU member states.

<sup>4</sup> Council Implementing Regulations (EU) No 443/2011 and No 444/2011 of 5 May 2011, see footnote n°1, Recitals 24-36 of each regulation.

16. With respect to biodiesel products, the TRA conducted the TD0004 and TS0005 transition reviews,<sup>5</sup> pursuant to Chapter 4 of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (the “2019 Regulations”).
17. During these reviews, the TRA examined the likelihood that injury would occur to the UK biodiesel industry if the measures were no longer applied. Such a test was conducted because during the POI of the transition reviews (1 July 2019 to 30 June 2020), there were low volumes of imports of the considered goods. Accordingly, it was not possible to have a determination of dumping and injury due to the positive effects of the anti-dumping and countervailing duties in place, which allowed the UK biodiesel industry to stay in business and ensured its long-term viability.
18. Following the TD0004 and TS0005 transition reviews, the TRA recommended to the Secretary of State to maintain the application of the anti-dumping and countervailing measures on imports of FAME biodiesel originating in the U.S and consigned from Canada, on the grounds that there was a likelihood that imports of subsidised/dumped FAME from the U.S and consigned from Canada would occur if the countervailing amount were no longer applied, and that such imports would likely cause injury to the UK industry.<sup>6</sup>
19. In its comments dated 26 May 2026, Canada alleged that the anti-dumping and countervailing measures on U.S biodiesel transhipped via Canada should expire, as *“absent any evidence of circumvention” with regard to the UK market, the TRA must find that the application of the relevant anti-dumping and countervailing amounts to goods from Canada should expire. To find otherwise, without positive evidence, would be an irrational use of the TRA’s statutory powers”*.<sup>7</sup>
20. The RTFA submits that Canada’s argument is flawed. As already mentioned above, the Council of the EU – which included the UK – concluded in 2011 that there was evidence of circumvention practices by U.S biodiesel exporters through transshipment via Canada. These findings have been included in the UK legal order through transition reviews that were not challenged by Canada at that time.
21. Should the TRA support Canada’s argument to discontinue the measures on U.S biodiesel imports transhipped via Canada, it would **leave a circumvention door wide open to U.S biodiesel exporters to bypass the anti-dumping and countervailing duties in place**, to the detriment of the UK biodiesel industry. There is absolutely no justified reason to reopen this circumvention route, especially because anti-circumvention measures do not affect genuine Canadian imports to the UK. Specific proceedings foreseen in the UK Trade Remedy legislations are applicable to Canadian biodiesel producers for them to export their biodiesel to the UK. In this respect, the RTFA makes it clear, once more time, that the anti-dumping and countervailing duties **do not apply to goods from Canada**.
22. In view of the above, the RTFA considers that Canada’s arguments are not valid, both factually and legally, and should be firmly rejected.

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<sup>5</sup> TRA Investigations, Recommendations to the Secretary of State, 10 November 2022: TD0004 - Transition anti-dumping review, Biodiesel from United States and Canada and TS0005 - Transition review countervailing duties, Biodiesel from United States and Canada.

<sup>6</sup> *Ibidem*, page 10 and page 9.

<sup>7</sup> Comments from Canada to Expiry review investigations ER0083 and ER0084, 26 May 2026, page 2.

**IV. In the present expiry reviews, the TRA is requested to examine if there is a likelihood of continuation or recurrence of injurious dumping, should the measures be removed**

23. In an expiry review proceeding, the TRA is requested to examine if there is a likelihood of continuation or recurrence of injurious dumping, should the measures be removed.
24. In its comments dated 26 May 2026, Canada is asking the TRA to conduct an additional test – namely to evidence transshipment of dumped and subsidised US biodiesel through Canada to the UK – that is irrelevant in the context of expiry reviews.
25. Contrary to Canada’s argument, the TRA has no obligation to apply the legal test for an initial circumvention investigation set out in Part 7 Chapter 2 Regulation 73(2) of the 2019 Regulations in the context of an expiry review investigation.
26. The 2019 Regulations provide in Regulation 70(1) that “[t]he TRA may conduct a review to consider whether injury to a UK industry in the goods would be likely to continue or recur if the application of an anti-dumping amount or a countervailing amount to the relevant goods were to expire”. Contrary to what Canada seems to imply in its submission, the evidentiary threshold is thus distinct from that of an original investigation.
27. The legal test for an expiry review is whether there is a likelihood of continuation or recurrence of dumping/subsidisation and of injury to the UK biodiesel industry, should the measures lapse. The analysis is “*exclusively prospective*”, as confirmed by the WTO Appellate Body in *US – Hot-Rolled Carbon Steel from India*.<sup>8</sup> The expiry-review question is thus as follows: is injurious dumping/subsidisation (including via transshipment through Canada) likely to continue or recur if measures lapse? Low or absence of import volumes during the POI - which is merely the predictable result of effective measures - do not answer that question and rather tend to confirm the measures are efficient and should thus be maintained.
28. Thus, in the context of the present expiry review investigations, the TRA must examine whether dumped and subsidised U.S biodiesel imports are likely to continue or recur - including by transshipment through Canada - if the anti-dumping and countervailing duties were allowed to lapse.
29. The RTFA has already demonstrated in its expiry review requests, as well in previous submissions, that U.S biodiesel producers are eager to export biodiesel to the UK, either directly or via circumvention practices, such as transshipment via Canada or blends below 20% biodiesel. This is because U.S biodiesel producers have significant spare capacities, very limited export opportunities and a declining domestic consumption – as detailed below.
30. First, the U.S biodiesel industry **has massive unused capacity which remains a threat to the UK biodiesel industry**. As shown in table below, capacity utilization fell from 75% in 2022 to 58% in 2025, leaving a spare capacity of 42%, i.e. 2,754 million tonnes, readily available to flood the UK market:

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<sup>8</sup> Appellate Body Report, *US – Hot-Rolled Carbon Steel from India*, WT/DS436/AB/R, 8 December 2014, para. 4.530.

In tonnes - FAME	2022	2023	2024	2025
US biodiesel production	5.404.966	5.654.216	5.569.511	3.832.871
Index (2022=100)	100	105	103	71
US production capacity	7.235.931	6.937.419	6.703.886	6.586.980
Index (2022=100)	100	96	93	91
Capacity utilisation (%)	75%	82%	83%	58%
<b>Spare capacity (in %)</b>	<b>25%</b>	<b>18%</b>	<b>17%</b>	<b>42%</b>

Source: US Energy information administration (EIA), , exhibit already submitted in previous submissions

31. Second, the U.S biodiesel industry has limited export opportunities because of the multiple trade barriers imposed by third countries against U.S. dumped and subsidised biodiesel, as follows:
- The European Union imposed definitive anti-dumping<sup>9</sup> and countervailing<sup>10</sup> duties on U.S. biodiesel imports of biodiesel since July 2009. The measures are still in force today.
  - Peru imposed definitive anti-dumping duties on U.S. biodiesel imports on 25 June 2010.<sup>11</sup> The Peruvian National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI in Spanish) reconducted these measures on 14 December 2016<sup>12</sup> and on 25 December 2020.<sup>13</sup> On 21 January 2025, INDECOPI initiated an expiry review to determine if this anti-dumping duty should be extended.<sup>14</sup> On conclusion of that review, INDECOPI extended the anti-dumping duties on pure biodiesel (B100) and B50 blends originating in the U.S for an additional five years.<sup>15</sup> Peru has also imposed definitive countervailing duties on U.S. biodiesel imports on 25 June 2010.<sup>16</sup> The INDECOPI reconducted these measures on 23 January 2017,<sup>17</sup> on 25 December 2020<sup>18</sup> and on 29 December 2025.<sup>19</sup>
  - With respect to Brazil, the GAIN report on Brazil Biofuels dated 30 September 2025 reported that “[a]s of September 24, 2025, the ANP does not allow import of biodiesel except in “exceptional circumstances,” which in practice means negligible”.<sup>20</sup>
  - With respect to Thailand, the GAIN report dated 11 July 2024 highlighted that “(...) it does not permit biodiesel imports”.<sup>21</sup>

<sup>9</sup> Council Regulation (EC) No 599/2009 of 7 July 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in the United States of America, OJ L 179, 10 July 2009, p. 26.

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

<sup>11</sup> Resolución n°116-2010/CFD-INDECOPIE, 25 June 2010.

<sup>12</sup> Resolución n°218-2016/CDB-INDECOPIE, 14 December 2016.

<sup>13</sup> Resolución n°197-2020/CDB-INDECOPIE, 25 December 2020.

<sup>14</sup> Resolución n°008-2025/CDB-INDECOPI, 21 January 2025.

<sup>15</sup> Resolución N° 201-2025/CDB-INDECOPI, 27 October 2025.

<sup>16</sup> Resolución N° 151-2010/CFD-INDECOPI, 17 August 2010.

<sup>17</sup> Resolución N° 012-2017/CDB-INDECOPI, 23 January 2017.

<sup>18</sup> Resolución n°197-2020/CDB-INDECOPI, 25 December 2020.

<sup>19</sup> Resolution no°273-2025/CDB-INDECOPI, 29 December 2025.

<sup>20</sup> GAIN Report - Brazil Biofuels Annual, 30 September 2025, exhibit already submitted in previous submissions.

<sup>21</sup> GAIN Report - Thailand Biofuels Annual, 11 July 2024, exhibit already submitted in previous submissions.

- With respect to the Philippines, the 2025 GAIN report indicates that “*Biodiesel importations are not allowed under the Biofuels Act*”.<sup>22</sup>

32. Third, the U.S biodiesel domestic consumption has been declining over the most recent period and is well below U.S production capacity. As shown in the table below, in 2025, the U.S capacity amounted to almost twice the level of U.S biodiesel consumption, which means that U.S biodiesel producers are eager to find export market to sell their dumped and subsidised biodiesel:

In tonnes – biodiesel (FAME)	2022	2023	2024	2025
US production capacity	7 235 931	6 937 419	6 703 886	6 586 980
Index (2022=100)	100	96	93	91
US consumption	5.525.126	6.431.518	6.435.290	3.694.004
Index (2022=100)	100	116	116	67

Source: US Energy information administration (EIA), exhibit already submitted in previous submissions

33. The RTFA also understands that Canada itself has put in place measures to restrict imports of U.S biodiesel, which became a serious concern for its Canadian domestic industry. Thus, the RTFA understands that:

- In the province of British Columbia, the renewable fuel volumes mandated under the British Columbia Low Carbon Fuel Standard, as established under the Low Carbon Fuels Act,<sup>23</sup> must be produced in Canada where such fuel is consumed in the province. The mandate is effective 1 April 2025 and provides that 8% renewable content in diesel consumed in British Columbia is required to be of Canadian origin.<sup>24</sup>
- In the province of Ontario, a given percentage of the domestic bio-based content requirements for both diesel fuel and gasoline under the Cleaner Transportation Fuels regulation must be produced in Canada.<sup>25</sup> Under these requirements, at least 25% of the renewable content required in diesel fuel and 27% of the renewable content required in gasoline must be produced in Canada in 2025. For diesel, this threshold rises to at least 75% of the renewable content required in 2026 and every subsequent compliance period.
- Through the “*Biofuels Production Incentive*”, the Canadian government has recently provided a subsidy to Canadian biodiesel producers of **16¢/litre (first 170M litres per facility) + 10¢/litre (next 130M litres); up to 300M litres per facility over 2 years**. A \$370+ million federal non-repayable incentive program providing tiered per-litre payments to Canadian producers of biodiesel (and renewable diesel) for fuel produced and sold into the Canadian market in 2026 and 2027.<sup>26</sup> According to Canada, “*Canada’s biodiesel and renewable diesel subsector has been under increasing competitiveness challenges from changes in policy and resulting market dynamics. The Biofuels Production Incentive is designed to protect the resiliency of domestic producers to stabilize this important sector and preserve its potential for growth. The Incentive will provide a tiered per-litre incentive structure providing support for eligible fuel produced in the 2026 and 2027 calendar years and will prioritize the use of North American feedstocks and sale of the fuel into the Canadian market. Additionally, the incentive provided will be non-*

<sup>22</sup> GAIN Report – Philippines Biofuels Annual, 24 June 2025, exhibit already submitted in previous submissions.

<sup>23</sup> Exhibit 1 - British Columbia, Low Carbon Fuels Act, SBC 2022, c 21.

<sup>24</sup> Exhibit 2 - Low Carbon Fuel Standard requirements - Province of British Columbia

<sup>25</sup> Exhibit 3 - Ontario regulation 163/25, amending O. Reg. 663/20, July 31, 2025.

<sup>26</sup> Exhibit 4 - Grant Compass website, Biofuels Production Incentive, Updated April 2026.

*repayable. These measures will help accelerate the growth and development of the domestic biofuels industry<sup>27</sup>”. Canada explains that this subsidy scheme will “lessen reliance on imports, which will help increase Canada’s energy security<sup>28</sup>”.*

34. These measures led a sharp decrease of U.S biodiesel exports to Canada (-30% between 2022 and 2025), as shown in the table below:

<b>U.S. exports of FAME biodiesel (in tonnes)</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Canada	634.697	768.296	513.689	193.473
Total	793.337	863.004	601.962	272.653

*Source: US Energy Information Agency, exhibit already submitted in previous submissions*

35. It results from the above that any removal of the trade remedy measures against U.S biodiesel imports – either original measures or anti-circumvention measures, notably on biodiesel imports consigned from Canada or on imports of <20% blends of US biodiesel – would immediately lead to a surge of U.S unfair biodiesel imports to the UK, which would have dramatic effect on the UK biodiesel industry.

## **V. Exemptions that were already granted before Brexit should naturally be extended to the UK**

36. Should arguments developed by Canada in its comments dated 26 May 2026 be rejected by the TRA, Canada is requesting that the exemptions granted by the European Commission in 2011 and 2015 for the two Canadian exporting producers – i.e. BIOX Corporation and DSM Nutritional Products Canada Inc. – be extended to the UK.
37. The RTFA finds this request well founded.
38. In their exemption requests filed before the European Commission, BIOX Corporation and DSM Nutritional Products Canada Inc previously evidenced that (a) they did not export the product under review to the Union during the investigation period on which the measures were based; (b) they had actually exported to the Union following the investigation period, or they demonstrated that they had entered into an irrevocable contractual obligation to export a significant quantity to the Union; (c) they had not been engaging in circumvention practices.
39. Accordingly, as long as these Canadian biodiesel producers obtained a valid exemption from the European Commission, as validated by the UK when it was a Member of the EU, they should be entitled to benefit from these exemptions in the UK.<sup>29</sup>

<sup>27</sup> Exhibit 5 – Natural resources, Government of Canada, Biofuels Production Incentive.

<sup>28</sup> *Ibidem*.

<sup>29</sup> The TRA should however be careful about any request from exempted companies to change names. For example, on 17 March 2025 KD Pharma Canada Ltd informed the European Commission that DSM Nutritional Products Canada Inc. (a company subject to an exemption of the individual anti-dumping duty rate of EUR 172,2 per tonne net) had changed its name to KD Pharma Canada Ltd and requested DSM Nutritional Products Canada Inc. to transfer its exemption. The European Commission however noted that according to the information provided, it appeared that DSM Nutritional Products Canada Inc., continued to exist as a singular entity in its current form, under the same name. The European Commission thus rejected this request on the ground that only companies with clearly verified continuity in law, structure and operations can have their names updated in the Regulation. See Commission Implementing Regulation (EU) 2026/702 of 23 March 2026 amending Commission Implementing Regulation (EU) 2021/1266 imposing a definitive anti-dumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council and Commission Implementing Regulation (EU) 2021/1267 imposing definitive countervailing duties on

40. For any Canadian biodiesel producer who did not receive any exemption before the UK's withdrawal of the EU, these Canadian producers are legally entitled to file an exemption request before the TRA.<sup>30</sup>
41. Exemption reviews are covered in 96E of the 2019 Regulations. The aim of an exemption review is to consider whether goods imported by a review applicant should be exempted from the application of a UK trade remedies measure.
42. When considering whether a Canadian biodiesel producer should be exempted from the application of the duties, the TRA considers whether the conditions set out in Regulation 96G of the 2019 Regulations are met, as follows:
  - The UK trade remedies measure applies an EU trade remedies measure that was extended following an EU circumvention review;
  - The applicant to the exemption is not related to an overseas exporter which is subject to the UK trade remedies measure; and
  - The applicant to the exemption is not engaged in circumvention of the UK trade remedies measure.

## VI. Conclusions

43. The RTFA respectfully requests that the TRA disregard Canada's arguments and conclude that the conditions to extend, for another five-year period, the anti-dumping and countervailing measures on biodiesel imports from the U.S, as extended to imports of biodiesel consigned from Canada, are met in the present case.
44. The RTFA supports the maintenance of exemptions for genuine Canadian producers, which received such exemptions from the European Commission, before the UK exited the Union.

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imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 18 of Regulation (EU) 2016/1037 of the European Parliament and of the Council, OJ L 2026/702, 24.3.2026.

<sup>30</sup> This is the case for example of Organic Technologies.