NON-CONFIDENTIAL

INVESTIGATION No. AD0059

Dumping investigation into certain engine oils and hydraulic fluids imported into the United Kingdom from Lithuania and the United Arab Emirates

Application

to reconsider Final Determination

Applicant: UAB SCT Lubricants (Lithuania)

Dated 12 of January 2026

TRA case team have published the Final Determination (**FD**).

According the FD, the following measures shall be applied to UAB SCT Lubricants (**Company/SCT**): 84.72% ad valorem anti-dumping duty for 5 year period.

The Company has taken the FD into consideration, disagrees with FD and the conclusions made therein, calculation methodology applied (different calculation methodologies for Provisional Affirmative Determination and Final Determination), so therefore is submitting an application to reconsider the FD in due course. The Company emphasizes that many of the arguments and supporting evidence it previously submitted in response to the Provisional Affirmative Determination (**PAD**) and response to a Statement of essential facts (**SEF**) were not adequately assessed or were disregarded without proper justification that eventually bring to this appeal letter being presented to the TRA for their consideration.

At the centre of the appeal is an unlawful change of methodology between the Provisional Anti-Dumping Determination (PAD), the Statement of Essential Facts (SEF), and the Final Determination (FD). The TRA seeks to justify the substantial increase in the dumping duty by asserting that the PAD and the SEF (and FD) were based on ,,*two different calculations*". This amounts to an impermissible change of methodology within the same investigation, introduced without prior notice to SCT, without disclosure in the SEF, and without affording SCT a genuine opportunity to comment. This conduct breaches Regulation 47(1)–(3) and Regulation 62 of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, which require the TRA to disclose, before a final determination is made, the essential facts and methodology forming the basis of the decision and to provide interested parties with sufficient time to defend their interests.

Where a public authority has set out a methodology on which affected parties are entitled to rely, it cannot lawfully abandon that methodology without clear notice, proper justification, and a genuine opportunity to respond. By departing from the methodology set out in the PAD and SEF without warning or consultation, the TRA rendered the investigation procedurally unfair and the outcome unpredictable. A change in calculation methodology directly affecting the dumping margin constitutes an "essential fact" for these purposes.

In addition, the undisclosed methodological change is inconsistent with the United Kingdom's obligations under the WTO Anti-Dumping Agreement. Articles 6.2 and 6.9 require that interested parties be given a full opportunity to defend their interests and be informed, before the final determination, of the essential facts forming the basis of the decision.

Beyond the unlawful change of methodology, the investigation is further vitiated by the selective and punitive use of ,,*facts available*". TRA rejected SCT's cost of production data as incomplete or unverifiable, yet relied on SCT's profit margin derived from that same data, and substituted UK producers' costs where this increased the dumping margin. This approach breaches Regulation 47(5) of the 2019 Regulations, which requires facts available to be used with special circumspection and not selectively, as well as Article 6.8 and Annex II of the WTO Anti-Dumping Agreement.

FD also fails to demonstrate the objective and even-handed examination required by Schedule 4 to the Taxation (Cross-border Trade) Act 2018 and Articles 2.2 and 3.1 of the WTO Anti-Dumping Agreement. Despite acknowledging incomplete and mixed datasets, the TRA systematically resolved every uncertainty against SCT, inflating normal value and the dumping margin.

Taken together, these defects are material. They directly affected the construction of normal value, the calculation of the dumping margin, and the application of the lesser duty rule. Absent these errors, the outcome of the investigation — including the imposition of duties of 84.72% / 95.36% — would have been materially different.

The issues raised therefore go to the lawfulness of the investigation as a whole, not merely to individual adjustments. Such procedural and legal failures require annulment of FD or, at minimum, remittal with binding directions to ensure a lawful methodology, proper disclosure, and an objective reassessment.

Below, we set out in detail how the unlawfulness of the investigative process directly affected the substantive outcomes of the investigation, with concrete examples concerning SCT drawn from the PAD, SEF, and FD.

The Company maintains that:

1) **Change of methodology of calculation between the PAD and FD (also SEF) is unlawful and resulted breach of legal certainty, legitimate expectations and procedural fairness**.

   TRA seeks to justify a drastic increase in the dumping duty by asserting that the PAD and the SEF (and FD) were based on ,,*two different calculations*". This leads to an unlawful change of methodology within the same investigation, introduced without prior notice to SCT and without a genuine opportunity to respond. Such an approach breaches the principles of legal certainty, legitimate expectations and procedural fairness, renders the outcome unpredictable and arbitrary, and fundamentally undermines the lawfulness of FD as applied to the Company.

2) **The determination of normal value and export price of the Company was conducted incorrectly**.

   The determination of both the normal value and the export price applicable to SCT was conducted incorrectly and in breach of the applicable legal framework. The TRA concluded that the Company's cost of production data was ,,*unverifiable*" or ,,*insufficient*", on the basis that it allegedly lacked access to certain transaction-level cost data and underlying source documents, as noted in the verification report. On that basis, the TRA decided to disregard the Company's own data and to rely instead on the verified costs of UK producers as ,,*facts available*" for the purpose of establishing normal value for Lithuania.

   As a result, the normal value for Lithuania was not determined on the basis of the Company's actual costs or domestic prices, but was instead constructed using UK producers' costs, subject only to limited adjustments (notably for energy and labour) and supplemented by the selection of a so-called ,,*reasonable profit*". This approach amounts to the substitution of the Company's

economic reality with an unrepresentative proxy, which structurally inflates the normal value and is incompatible with the requirement of a fair and objective comparison.

In parallel, the export price was not determined on the basis of the actual transaction prices between SCT and its UK customer Lubriage Ltd, despite those transactions having been documented and verified. Instead, the TRA declared the export price to be ,,*unreliable*" due to an alleged association or compensatory arrangement and consequently constructed the export price by reference to the price at which the goods were first sold to an independent buyer in the UK, using Lubriage's downstream sales data and applying a series of deductions.

Taken together, these methodological choices resulted in a dumping calculation in which: (i) the normal value was artificially increased through reliance on UK costs that are not representative of Lithuanian production conditions; and (ii) the export price was artificially reconstructed on the basis of downstream pricing over which the Company has no control.

This dual departure from the Company's verified commercial reality undermines the reliability, objectivity and lawfulness of the dumping margin attributed to SCT and constitutes a material error in the determination of both normal value and export price.

3) **Imports from Lithuania should have been excluded from the scope of the investigation on the grounds of negligible volume**.

SCT (together with the European Commission and the Lithuanian Embassy) claimed that imports from Lithuania were too small (and that some of the goods were allegedly re-exported to Ireland), but the TRA without clear and sufficient legal and factual justification pointed out that there was a lack of reliable evidence and that there were other exporters from Lithuania not included in the lists provided by UAB SCT; also, due to the structure of HMRC data, it is impossible to reliably ,,*filter out*" only UAB SCT or only ,,*in-scope*" goods in the entire denominator.

The Company maintains its position that certain engine oils and hydraulic fluids imported into the United Kingdom from Lithuania have not been and are not being dumped in the UK. Accordingly, as because there wasn't and isn't dumping of the goods concerned, no any injury to a UK industry in those goods was made.

I. Radical and unexplained increase in duty rate (84,72 % for SCT and 95,36 % for all other Lithuanian exporters).

The FD (as well as SEF) imposes a radical and unexplained increase in the anti-dumping duty applicable to SCT, raising the duty rate from **11,60% in PAD to 84,72% in SEF and FD**.

Such a huge increase, occurring within the same investigation and in respect of the same exporter, raises serious doubts as to the reliability, objectivity and lawfulness of the TRA's calculations.

TRA seeks to justify this drastic increase by asserting that *,,the PAD and the SEF calculations are two different calculations"*, allegedly based on different data sources and methodologies available at different stages of the investigation. The Company is convinced that this explanation is legally untenable.

PAD and FD form part of one and the same investigation and concern the same factual situation, the same exporter and the same alleged dumping behaviour. While provisional calculations may be refined or updated as verified data becomes available, the TRA is not entitled to replace the entire analytical framework underpinning the dumping calculation without clear legal basis, full transparency and procedural safeguards.

In the present case, the TRA did not merely refine the PAD calculation, but instead: (i) replaced the normal value methodology (UAE or company data to UK costs as ,,*facts available*"); (ii) replaced the export price methodology (verified SCT Lubriage Ltd transactions to constructed prices based on downstream Lubriage sales); (iii) materially expanded the product scope; and finally (iv) fundamentally altered the dumping margin outcome. These are structurally different calculation methodologies, not permissible adjustments within a single consistent framework.

The principle of legal certainty, a fundamental principle of public law and international trade law, requires that legal rules and methodologies be clear, foreseeable and consistent, enabling affected parties to understand and predict the legal consequences of their conduct. By applying fundamentally different methodologies at different stages of the same investigation, the TRA rendered the outcome unpredictable and arbitrary, in breach of legal certainty.

FD does not set out, in a transparent and itemized manner, how the methodological changes allegedly justify a sevenfold increase in the duty rate.

SCT cooperated fully throughout the investigation on the legitimate expectation that the core methodology applied at the provisional stage would remain broadly stable and any material methodological changes would be clearly disclosed, justified and subject to comment.

However, TRA did not inform the Company in advance that a different proxy for normal value would be used and a different export price construction methodology would replace the verified transaction prices. Also, there was no objective possibility to know, understand, and expect that when deciding on the SEF the revised methodology would lead to a drastic increase in the duty rate. As a result, the Company was deprived of a genuine opportunity to adapt its defense to the decisive methodology ultimately used to impose the 84.72% duty.

The TRA's assertion that the SEF calculation relied on ,,*complete, accurate and relevant*" verified data does not cure the procedural defect. Where an authority intends to abandon one methodology and replace it with another, due process requires explicit notification of the intended methodological shift and a meaningful opportunity for the affected party to comment and submit evidence.

SEF (and FD) did not clearly disclose that PAD methodology was being abandoned as unreliable or the new methodology would result in a radically higher duty. The right to be heard cannot be reduced to a formal opportunity to comment after the decisive methodological choices have already been made.

TRA's explanation is internally inconsistent. If PAD methodology was so unreliable that it justified a complete methodological reversal, then the probative value of PAD conclusions — including the imposition of provisional measures — is questionable. Conversely, if PAD methodology was sufficiently reliable to justify provisional measures, a complete reversal requires a heightened level of justification, which is absent from SEF and FD. The absence of a coherent methodological trajectory demonstrates arbitrary decision-making, contrary to principles of rationality and good administration.

The consequence of the methodological shift was a drastic and disproportionate increase in the dumping margin, from 11,60% to 84,72%. FD fails to demonstrate that this increase is proportionate to any alleged dumping behaviour, causally linked to newly discovered facts or unavoidable under a consistent and lawful methodology. A public authority cannot lawfully justify such an outcome merely by asserting that it used ,,*two different calculations*".

WTO Anti-Dumping Agreement require dumping determinations to be based on objective examination; consistent methodologies; and transparent and reasoned analysis. Sudden, unexplained and radical methodological changes undermine the objectivity of the determination and expose the measure to international legal challenge.

By relying on the notion of ,,*two different calculations*" to justify a radical increase in the duty rate, the TRA has breached legal certainty, violated legitimate expectations, denied procedural fairness and acted arbitrarily and disproportionately. **This defect, taken on its own, is sufficient to vitiate FD insofar as it concerns SCT and requires reconsideration and revision of the duty imposed**.

II. The determination of normal value was conducted incorrectly.

The determination of the normal value applicable to SCT is vitiated by errors of law, manifest errors of assessment, internal inconsistencies and procedural unfairness.

TRA concluded that the Company's cost of production (**COP**) data was allegedly ,,*unverifiable*" due to the absence of certain transaction-level cost data and underlying source documents, and on that basis decided to rely on the verified costs of UK producers (Aztec and Paterson) as ,,*facts available*".

This approach constitutes a misapplication of Regulation (The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (the Regulations), which permits the use of secondary information only where strictly necessary, only to the extent reasonable, and subject to special circumspection. It does not authorise the automatic substitution of the investigated exporter's costs with domestic costs from another country, absent a demonstrated equivalence of production conditions and cost structures. FD fails to demonstrate that UK production costs are representative of Lithuanian production conditions or a genuine reconstruction of the Lithuanian cost structure was undertaken.

In reality, TRA relied on UK costs as a proxy and applied only limited downward adjustments, thereby systematically inflating the constructed normal value. Such an approach is incompatible with the principle of fair comparison, established in Regulation and WTO Anti-Dumping Agreement, which requires an objective and reasonable determination of normal value.

SCT fully and actively cooperated with the investigation. It submitted audited financial statements, detailed sales data for the Lithuanian and UK markets, costing information contained in its profit and loss accounts, and granted full access during the on-site verification. The verification report does not conclude that the Company refused to cooperate or withheld information.

Moreover, the Company answered all additional questions raised by the TRA. Following the on-site visit, it submitted all further data requested by the TRA on 26 February 2025 and no objections were raised regarding missing or unreliable data at the PAD stage. Against that background, the decision in SEF and FD stages to suddenly disregard the Company's data as ,,*insufficient*" is disproportionate, unreasonable and procedurally unfair. TRA failed to explain why data that was sufficient for the PAD and successfully verified on-site allegedly became unusable at the final stage.

FD contains material internal inconsistencies regarding the scope of cost adjustments applied to UK costs when constructing Lithuanian normal value. TRA states that only energy and labour costs were adjusted and that no material differences were found for other cost elements. However, in Section C4.1 TRA states that downward adjustments were applied to base oils, land, energy, labour, additives and taxation. These statements are irreconcilable and prevent the Company from understanding which cost elements were adjusted; the coefficients applied; and the PCN level at which adjustments were made. This lack of clarity amounts to a failure to provide adequate reasons, contrary to fundamental principles of UK administrative law, and renders the determination unlawful.

Even assuming arguendo that recourse to ,,*facts available*" was justified, the TRA failed to demonstrate that the selected data set was sufficiently representative of Lithuanian production conditions. FD shows that, in practice, only 68.13% reduction in energy costs and 48.64% reduction in labour costs were applied, while no adjustments were made for other major cost components such as base oils, additives, capital costs or scale efficiencies. The absence of a full reconstruction of the Lithuanian cost structure creates a representativeness gap, which inevitably inflates the normal value and the dumping margin.

Having failed to establish a reasonable profit for Lithuanian producers, the TRA selected the actual domestic profit margin of SCT FZE, a related UAE entity, as the ,,*reasonable profit*" for Lithuania. This choice is unrepresentative and unlawful, as it relies on a different jurisdiction; a different market structure; a different regulatory and tax environment. FD does not demonstrate that SCT FZE's domestic profitability in the UAE constitutes a reasonable proxy for profit in Lithuania. The use of a related party's profit from another country violates the principles of objectivity and neutrality and further inflates the constructed normal value.

TRA failed to take into account material differences between Lithuanian and UK production conditions, including: (i) differences in market size and structure; (ii) differences in cost bases; and (iii) the fact that SCT Lubricants operates one of the most technologically advanced lubricant production facilities in

Europe, enabling lower production costs. As a result, equating the Company's cost of production with that of UK manufacturers is economically unjustified and legally flawed.

Taken cumulatively, the errors identified above demonstrate that the normal value applicable to SCT was determined on the basis of an unlawful application of ,,*facts available*", internally inconsistent and insufficient reasoning and unrepresentative cost and profit proxies.

These defects materially affected the dumping margin and are sufficient, in themselves, to require reconsideration and revision of FD insofar as it concerns SCT.

III. The determination of export price was conducted incorrectly.

The determination of the export price applicable SCT is vitiated by errors of law, internal inconsistency, insufficient reasoning and procedural unfairness, in breach of Regulation and fundamental principles of fair administration.

TRA concluded that the Company's export price was ,,*unreliable*" on the basis of an alleged association or compensatory arrangement with the UK importer, Lubriage, and therefore decided to construct the export price by reference to the price at which the goods were first sold to an independent buyer in the UK. This conclusion is flawed. The Company submitted, and the TRA verified during the on-site visit, complete transactional documentation relating to exports to the UK, including sales orders, invoices, bank receipts, transport documentation and packing lists. These verified documents reflect the actual prices at which the Company exported the goods to the UK. FD does not demonstrate that these prices were distorted, manipulated or otherwise unsuitable for use.

The mere existence of an association or a compensation arrangement does not, of itself, justify discarding verified export prices in the absence of a clear factual finding that such prices are unreliable within the meaning defined in Regulation. TRA therefore acted unlawfully in rejecting the Company's verified export prices and substituting them with a constructed export price.

Having decided to rely on the price to the first independent buyer in the UK, the TRA was required to apply that methodology consistently and lawfully. However, the TRA simultaneously included Lubriage's sales to Carousel, a related entity, while expressly acknowledging that Carousel did not cooperate and no price to an independent buyer exists for those transactions. This approach is legally inconsistent. Where the chosen methodology requires a price to the first independent buyer, transactions for which no such price exists cannot lawfully be included unless a clear and reasoned alternative construction methodology is applied.

TRA's justification for including these transactions — namely, ,,*discouraging non-cooperation*" — is not a lawful basis under Regulation and cannot replace the legal requirements governing export price construction. Transactions lacking a valid export price should have been excluded or separately reconstructed, not presumed to be ,,*dumped*".

TRA expressly acknowledges that it has no data on the sales prices between Carousel and independent buyers, yet nevertheless concludes that these sales were made at dumped prices. This amounts to an impermissible presumption of dumping, reversing the burden of proof and depriving the Company of the opportunity to rebut the allegation with evidence. Such an approach is procedurally improper and incompatible with the requirement of an objective and evidence-based examination under Regulation WTO Anti-Dumping Agreement.

TRA further acknowledges that Lubriage's sales data does not contain reliable information on the origin of the goods. The attribution of origin was instead inferred by matching Lubriage sales lists with import lists of SCT and SCT FZE. While such an approach may be used as a working assumption, the Final Determination fails to demonstrate that this attribution was sufficiently reliable at PCN level, particularly in circumstances where multiple related entities were involved and model numbers and PCNs may not have been fully aligned. Any error in origin attribution directly contaminates the constructed export price and the dumping margin.

The equation of the Company's export prices with Lubriage's downstream sales prices to UK buyers is economically and legally incorrect. The Company has no control or influence over Lubriage's pricing to its customers. Even after applying deductions, Lubriage's downstream prices do not reflect the actual ex-works export prices of the Company, but rather incorporate commercial decisions, margins and costs incurred after exportation. TRA failed to consider that the Company demonstrated that its export prices to the UK were at market level and such prices were not lower than prices charged in other export markets or in the domestic market.

FD does not disclose the volume of Carousel transactions, their impact on the constructed export price and their effect on undercutting, injury or causation analyses. At a minimum, the TRA was required to assess Carousel transactions separately, recalculate the export price excluding those transactions or transparently reconstruct the full price chain up to an independent buyer. The failure to do so constitutes a material error of assessment and a lack of adequate reasoning.

The export price determination is based on (i) an unlawful rejection of verified export prices; (ii) an internally inconsistent application of Regulation; (iii) an impermissible presumption of dumping; and (iv) a failure to ensure transparency and objectivity. These defects materially affected the dumping margin and independently require the reconsideration and revision of the Final Determination insofar as it concerns SCT.

IV. Lithuania imports should be excluded from the scope of the investigation.

Failure to exclude Lithuanian imports as negligible is a breach of WTO Anti-Dumping Agreement and failure to properly assess the arguments of SCT Lubricants and the European Commission.

TRA acted unlawfully in failing to exclude imports from Lithuania from the scope of the investigation, notwithstanding clear evidence that such imports were negligible within the meaning of WTO Anti-Dumping Agreement **(ADA)**.

Article 5.8 ADA requires that an investigation be terminated immediately where the authorities determine that the margin of dumping is de minimis; or the volume of dumped imports from a particular country is negligible. Imports are normally regarded as negligible where they account for **less than 3%** of total imports of the like product into the importing Member, unless countries individually below that threshold collectively exceed 7%. This provision establishes a mandatory jurisdictional threshold, not a discretionary policy choice.

TRA's own findings indicate that imports from Lithuania accounted for approximately **3.14%** of total imports — **marginally above the de minimis threshold by only 0.14%**. SCT submitted substantiated evidence demonstrating that imports of out-of-scope goods were included in the denominator, inflating Lithuania's apparent share and a significant portion of goods imported into the UK from Lithuania was immediately re-exported to Ireland and never consumed on the UK market. Properly adjusted to reflect only in-scope goods and actual UK consumption, Lithuanian imports fall below the 3% threshold and must be regarded as negligible.

TRA rejected the Company's de minimis arguments solely on the basis of alleged data limitations, without assessing any reasonable margin of error, evaluating the quantitative impact of excluding out-of-scope goods or analyzing whether re-exported volumes should be deducted from UK import volumes.

This approach is incompatible with Article 5.8 ADA, which requires an objective and substantive assessment, not a formalistic reliance on data convenience. Where import shares are borderline, the authority is required to exercise particular care and precision, rather than defaulting to inclusion.

SCT raised detailed and reasoned submissions at both the PAD and SEF stages demonstrating that Lithuanian imports were negligible and should be excluded. In addition, the European Commission expressly submitted that imports from Lithuania were insignificant compared to imports from the UAE and Lithuania should either be excluded from the investigation or, at a minimum, not cumulatively assessed with the UAE for the purposes of injury analysis.

FD fails to demonstrate that these submissions were meaningfully examined or addressed. Instead, the TRA dismissed the arguments in a summary and conclusory manner, without engaging with the quantitative evidence submitted by the Company, responding to the European Commission's specific concerns regarding volume and cumulation or explaining why re-exported volumes and out-of-scope goods were disregarded. Such an approach constitutes a failure to take into account relevant considerations and a failure to give adequate reasons, contrary to principles of UK administrative law.

SEF (and FD) itself indicates that EU imports represented only **3.14%** of total UK imports, compared to **14.01%** from the UAE. Given the vast disparity in volumes and price levels, the cumulation of Lithuanian imports with UAE imports distorts the injury analysis and is inconsistent with the object and purpose of Article 5.8 ADA. At a minimum, Lithuanian imports should have been de-cumulated from UAE imports for the purposes of injury and causation.

The Company further provided information indicating that certain UK manufacturers established entities in Lithuania and channeled imports through those entities in order to artificially inflate Lithuanian import volumes and exceed the de minimis threshold. TRA did not investigate or address this allegation in the Final Determination, notwithstanding its relevance to the threshold assessment under Article 5.8 ADA.

By failing to exclude Lithuanian imports from the scope of the investigation, the TRA misapplied Article 5.8 ADA, failed to assess actual UK consumption and margin of error, disregarded material submissions by SCT and the European Commission and unlawfully cumulated negligible Lithuanian imports with non-negligible UAE imports.

These errors independently require the termination of the investigation insofar as it concerns imports from Lithuania, or, at the very least, a full reconsideration of the scope and injury analysis.

V. Two representatives of UK domestic producers are unjustifiably treated as representatives of the entire UK industry.

FD is vitiated by a manifest error of assessment and procedural unlawfulness in the manner in which the Trade Remedies Authority ("TRA") defined, represented and analyzed the UK domestic industry for the purposes of injury and causation.

Although TRA formally defined the UK industry broadly, the investigation was in substance and effect conducted on the basis of data from only two cooperating domestic producers, resulting in a distorted and unrepresentative assessment of injury to the UK industry as a whole.

TRA expressly acknowledges that (i) the UK industry is fragmented and consists of at least 21 known producers of various sizes; (ii) only two producers (Aztec Oils Ltd and Paterson Oils Ltd) cooperated with the investigation and submitted questionnaire responses; and (iii) these cooperating producers account for only approximately 20–30% of total UK production. The remaining 70–80% of UK production was not supported by verified production, cost, pricing or profitability data.

In order to address the absence of data from the majority of UK producers, TRA estimated non-participating producers' output using a ratio of employees to production, derived from the cooperating producers and based on publicly available Companies House information. This approach constitutes an unjustified and unreliable extrapolation, as it assumes, without evidence, that production efficiency; cost structures; pricing behaviour, and market conditions of non-participating producers mirror those of the two cooperating producers.

FD contains no analysis demonstrating that such assumptions are valid, nor any assessment of whether the cooperating producers are representative of the broader UK industry. TRA therefore failed to establish, on the basis of positive and objective evidence, that the alleged injury identified for the cooperating producers reflects injury to the UK industry as a whole.

While the TRA formally considered whether the UK industry should be defined as consisting only of the two cooperating producers, it concluded that it should not. However, in practice, the injury, price undercutting, profitability, market share and causation analyses rely almost exclusively on the verified data of Aztec and Paterson. As a result, the investigation was de facto conducted on behalf of, and for

the benefit of, a very limited subset of domestic producers, rather than the UK industry as a whole. Such an approach is incompatible with the requirement under Article 3 of the ADA that injury determinations be based on an objective examination of the domestic industry.

The distortion is particularly evident in circumstances where one of the cooperating producers (Paterson) demonstrated growth or stability across several key indicators, whereas the injury narrative in FD closely tracks the performance of Aztec Oils Ltd, the complainant. TRA failed to assess whether the alleged injury was confined to one producer, attributable to producer-specific factors or representative of the experience of other UK producers. This selective reliance on evidence constitutes a failure to consider relevant factors and gives rise to a reasonable perception of bias.

Article 5.4 ADA requires that investigations be initiated and conducted "by or on behalf of the domestic industry" and reflects a broader principle of representativeness in trade remedy investigations. While the present challenge is not limited to the initiation stage, the fact that the complainant and cooperating producers represent only a small fraction of total domestic production heightens the TRA's obligation to demonstrate that injury findings are representative and avoid equating the interests of a minority with those of the entire industry. FD fails to discharge this obligation.

SCT submitted that the situation of the cooperating producers was not representative of the UK industry as a whole and injury findings could not lawfully be extrapolated from two producers to more than twenty. FD does not demonstrate that these submissions were meaningfully examined or rebutted, contrary to the duty to give adequate reasons.

By relying on data from only two producers to represent an entire fragmented industry, the TRA (i) committed a manifest error of assessment; (ii) breached the requirement of objective examination under Article 3 ADA; (iii) failed to ensure representativeness and fairness and (iv) conducted the investigation, in substance, on behalf of a limited number of producers.

These defects materially affect the injury and causation findings and are sufficient, in themselves, to vitiate the Final Determination insofar as it concerns imports from Lithuania and UAB SCT Lubricants.

CONCLUSION

SCT proved and substantiated that goods were and are exported to the UK at market prices, which are not lower than the selling price in other countries and in the domestic market.

However, TRA did not assess these particularly significant circumstances. SCT once again states and confirms that, that goods concerned are being exported to the UK at market price, thus, the injury to the UK market did not and could not have been made. Exporting to the UK market is no different from exporting to other countries and selling domestically.

SEF and FD did not take proper account of the fact that during POI only [*redacted – commercially sensitive information*] of the production of the Company was exported to UK, [*redacted – commercially sensitive information*] was sold at the domestic market so the rest part of the production – [*redacted – commercially sensitive information*] was exported to third countries.

In conducting its investigation, TRA failed to consider the circumstances that UAB SCT Lubricants is one of the most modern factories in Europe. Advanced technologies and the latest scientific and technological achievements are used in the production of engine oils and lubricants. This is one of the Company's advantages, enabling it to produce products at lower costs. Anyway, it shall be noted that there is no difference between the price of the production exported to UK or other countries and sold in domestic market because of these factors.

Furthermore, there is a significant difference between the Lithuanian market and the UK market in terms of the size of the countries, the number of end-users and other factors, thus a comparison of the UK market and sales volume with the Lithuanian market had to be assessed.

The FD is unlawful and/or flawed on the following grounds:

1. Radical and unexplained increase in the duty rate between the PAD and the FD (SEF also);
2. Misapplication of ,,*facts available*", resulting in an unrepresentative and inflated normal value for Lithuania;
3. Internal contradictions and lack of reasoning regarding cost adjustments applied to UK costs when constructing Lithuanian normal value;
4. Unlawful and unrepresentative selection of ,,*reasonable profit*", derived from a related UAE entity;
5. Incorrect construction of export price under Regulation, including the inclusion of transactions for which no ,,*first independent buyer*" price exists;
6. Failure to exclude Lithuanian imports as negligible under Article 5.8 of the WTO Anti-Dumping Agreement
7. Erroneous injury and causation analysis, based on an unrepresentative sample of UK producers and flawed cumulation.

In view of the above circumstances, it can be concluded that FD is superficial, unclear, not based on specific calculations, adopted without considering the arguments presented by the Company and without evaluating the data submitted by the Company, therefore it must be reviewed. In view of all the arguments set out in this application, TRA is respectfully requested:

1. **Reconsider and revise the Final Determination;**
2. **Exclude imports from Lithuania as negligible and terminate the investigation insofar as it concerns Lithuania; or**
3. **Alternatively, recalculate normal value, export price and duty level using a lawful, transparent and representative methodology.**