**Anti-Dumping/Countervailing Duties Questionnaire for interested parties/contributors**

**Case TD0004 and TS0005: Biodiesel originating in the United States of America and consigned from Canada**

|  |  |
| --- | --- |
| **Period of Investigation (POI):** | 1 July 2019 to 30 June 2020 |
|  |  |
| **Injury period:** | 1 July 2016 to 30 June 2020 |
|  |  |
| **Deadline for response:** | 8th November 2020 |
|  |  |
| **Contact details:** | Anti-dumping: TD0004@traderemedies.gov.ukCountervailing duties: TS0005@traderemedies.gov.uk |
|  |  |
| **Completed on behalf of:** | *UK Petroleum Industry Association* |

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

**☐** Confidential

**X** Non-confidential – will be made publicly available

Please note that you should provide **two copies of your response** – a **Confidential** and a **Non-confidential version.** Both copies should be returned to TRID using the Trade Remedies Service ([www.trade-remedies.service.gov.uk](http://www.trade-remedies.service.gov.uk)) by 8th November 2020.

Please remember to upload this dumping and countervailing duties questionnaire to **both cases** on the Trade Remedies Service (www.trade-remedies.service.gov.uk). The Trade Remedies Investigations Directorate is investigating each case separately and you will not be able to participate in both if only one is uploaded.

**Table of Contents**

[The scope of this review 3](#_Toc53155227)

[Goods subject to review 3](#_Toc53155228)

[Instructions 4](#_Toc53155229)

[Introduction 4](#_Toc53155230)

[How to complete this questionnaire 5](#_Toc53155231)

[Preparing confidential and non-confidential copies of your information 5](#_Toc53155232)

[What happens next 6](#_Toc53155233)

[SECTION A: About these cases 7](#_Toc53155234)

[A1 General information 7](#_Toc53155235)

[A2 Information about these reviews 8](#_Toc53155236)

[SECTION B: Next steps and declaration 10](#_Toc53155237)

[Next steps 10](#_Toc53155238)

[**Declaration** 10](#_Toc53155239)

# The scope of this review

## Goods subject to review

This review covers biodiesel originating in the United States of America and consigned from Canada, described as:

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

These goods are currently classifiable within the following CN codes:

* 1516 20 98 (TARIC 1516 20 98 21, 1516 20 98 29, 1516 20 98 30)
* 1518 00 91 (TARIC 1518 00 91 21, 1518 00 91 29, 1518 00 91 30)
* 1518 00 99 (TARIC 1518 00 99 21, 1518 00 99 29, 1518 00 99 30)
* 2710 19 43 (TARIC 2710 19 43 21, 2710 19 43 29, 2710 19 43 30)
* 2710 19 46 (TARIC 2710 19 46 21, 2710 19 46 29, 2710 19 46 30)
* 2710 19 47 (TARIC 2710 19 47 21, 2710 19 47 29, 2710 19 47 30)
* 2710 20 11 (TARIC 2710 20 11 21, 2710 20 11 29, 2710 20 11 30)
* 2710 20 16 (TARIC 2710 20 16 21, 2710 20 16 29, 2710 20 16 30)
* 3824 99 92 (TARIC 3824 99 92 10, 3824 99 92 12, 3824 99 92 20)
* 3826 00 10 (TARIC 3826 00 10 20, 3826 00 10 29, 3826 00 10 50, 3826 00 10 59, 3826 00 10 89, 3826 00 10 99)
* 3826 00 90 (TARIC 3826 00 90 11, 3826 00 90 19, and 3826 00 90 30)

 The CN codes are only given for information.

In this questionnaire, these goods will be referred to as the goods subject to review. Any reference to goods subject to review in this questionnaire refers to the goods description above, regardless of the CN code under which they are exported.

##  Instructions

## Introduction

The Trade Remedies Investigations Directorate (TRID) of the UK’s Department for International Trade will carry out a transition review of each trade remedy measure active under the EU system that the UK has decided to maintain after EU exit. Transition reviews TD004 and TS005 will consider whether the current anti-dumping and countervailing duties measures are necessary or sufficient to offset dumping/subsidisation of biodiesel originating in the United States of America and consigned from Canada and whether there would be injury to the UK industry if the measures were removed.

TRID is seeking your cooperation as a contributor to inform our investigation into whether the current anti-dumping/countervailing measures should be maintained, varied, or discontinued. The information you provide will help us to determine a fair and appropriate response.

For further information please refer to our guidance on [How we carry out transition reviews into EU measures](https://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/how-we-carry-out-transition-reviews-into-eu-measures).

Please refer to our online guidance on the differences between interested parties and contributors: <https://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#interested-parties-and-contributors>

Please provide all the information requested by 8th November 2020. We may send a notice asking for clarification or supplementary information where necessary. Make sure you provide the sources for any information or data you don’t own and clearly state any restrictions on sharing it.

If you don’t provide the confidential information and a non-confidential summary (or a statement of reasons why you cannot provide this), we may disregard the information you give us. See below for further information about how to provide confidential and non-confidential versions.

If you can’t complete the questionnaire within the required time, contact the Case Team ahead of the deadline by email at TD0004@traderemedies.gov.uk and TS0005@traderemedies.gov.uk. Explain how long an extension you need and why. We will notify you of our decision. If we can give an extension, a note to explain this will be placed on the public file.

Contact the Case Team if you have any questions about your response or if you have any difficulties in completing the questionnaire. General information about UK trade remedies processes is available at: [www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process](http://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process)

## How to complete this questionnaire

All statements should be substantiated with relevant data, information, and the sources of these. You may be asked to attach supporting documents in appendices to supplement your responses. To help us verify your information, please retain all your supporting documents, including any calculations made when developing your responses.

Please note the following points:

* If the answer to a question is ’zero’, ‘no’, ‘none’ or ‘not applicable’, write this rather than leaving the answer blank.
* If there is not enough space in any part of the questionnaire to provide the details requested, please attach appendices. Make sure any attachments are given a corresponding appendix reference in the title of the document and that these are referenced in the boxes provided.
* Any documents not in English should be accompanied by an English translation.
* Please provide all dates in the format DD/MM/YYYY (e.g. 23/05/2019).
* For all numerical figures, where appropriate express every third digit with a comma (e.g. ‘1,300’ for one-thousand three hundred, ‘1,300,000’ for one million and three hundred thousand).
* Limit all sales/currency/income figures to two decimal places and use the appropriate currency symbol (e.g. £1,300.00).
* Provide all costing figures as actual amounts. Where actual amounts cannot be provided and you have reported standard costing instead, indicate this in the relevant answer and explain the variance from actual costs, if any.
* All financial figures should be reported net of tax unless otherwise stated.

## Preparing confidential and non-confidential copies of your information

You will need to submit one confidential version and one non-confidential version of your questionnaire by the deadline. **Please ensure that each page of information you provide is clearly marked either “Confidential” or “Non-Confidential” in the header.** It is your responsibility to ensure that the non-confidential version does not contain any confidential information.

Further information on what can be considered confidential and how to prepare a non-confidential version of this questionnaire is available at:

<https://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#how-we-handle-confidential-information>

All information provided to TRID in confidence will be treated accordingly and only used for this investigation (except in limited circumstance as permitted by regulation 46 of the *Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019)* and will be stored in protected systems. The non-confidential version of your submission will be placed on the public file, which is available on [www.trade-remedies.service.gov.uk/public/cases](http://www.trade-remedies.service.gov.uk/public/cases).

## What happens next

Upload your completed questionnaire responses and non-confidential versions of documents to our Trade Remedies Service at [www.trade-remedies.service.gov.uk](http://www.trade-remedies.service.gov.uk).

You will receive an email confirming the documents have been uploaded successfully. Non-confidential responses will be placed on the public file and the Case Team will contact you if further information is required. We may contact you to arrange a visit to verify the information contained in your responses.

Once we have assessed whether measures are needed, in some cases we will submit a provisional affirmative determination. This will contain our recommendation to the Secretary of State about whether to request a guarantee from importers to cover the duty amount they would incur if measures were finalised.

Before publishing a final determination, we will publish a Statement of Essential Facts setting out the detailed reasoning of how we came to our decision. Interested parties will have the opportunity to provide comments and submissions on this. After considering these we will publish a final determination that sets out our final recommendation of measures to the Secretary of State.

Further information on this process is available at:

[www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#determinations-and-conclusion-of-investigations](http://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#determinations-and-conclusion-of-investigations)

# SECTION A: About these cases

## A1 General information

1. Please complete the table below. Make sure the point of contact you name has the authority to provide this information.

|  |  |
| --- | --- |
| Name (point of contact):  |  Jamie Baker |
| Address:  | 37-39 High Holborn, London, WV1V 6AA |
| Telephone No:  | 0207 269 7605 |
| Email:  | Jamie.baker@ukpia.com |
| Website:  |  www.ukpia.com |

If you are representing a company, please also fill in the information below:

|  |  |
| --- | --- |
| Company registration number:  |  **01404376** |
| Place of registration:  |  United Kingdom |
| Legal name of organisation:  | UNITED KINGDOM PETROLEUM INDUSTRY ASSOCIATION LIMITED |
| Legal structure (e.g. limited company, sole trader, partnership etc):   | Trade association |
| Position in the organisation: | Director for External Relations |
| Year of establishment:  | 1979 |
| Other operating names:  | n/a |

1. Please explain your interest in transition reviews TD004 and TS005.

|  |
| --- |
| The downstream fuels sector - that UKPIA represents - is affected indirectly by changes to biofuel sanctions due to the Renewable Transport Fuels Obligation (RTFO) operated by DfT that requires fuel suppliers to blend biofuels into road fuels in the UK. Given the requirement to blend biofuels, including biodiesel into road transport fuels, it is vital that adequate volumes of biodiesel (as well as biooxygenates for gasoline blending not covered by these sanctions) are available to the UK market. |

## A2 Information about these reviews

For each question, please give any information you feel is relevant to the reviews. If you have no information, please say so in your answer. These transition reviews will consider whether the current anti-dumping/countervailing measures are necessary or sufficient to offset dumping/subsidisation and whether there would be injury to the UK industry if the measures were removed.

1. Please provide any information about the goods subject to review that you consider relevant.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| UK Biodiesel demand[RTFO Final report 2019](https://www.gov.uk/government/statistics/renewable-fuel-statistics-2019-final-report)The graph above shows the volume of biodiesel reported under the Renewable Transport Fuels Obligation (RTFO) since 2012. It also breaks down in red, the amount that has been produced within the UK highlighting that the UK is currently a significant importer of biodiesel, a trend that can be expected to continue in the 2020s (see Q5). In terms of the trade deficit these volumes equate to, the UK exported £50m of Fatty Acid Methyl Ester (FAME) but imported over £750m of the same product in 2019 (according to UKtradeinfo.com accessed February 2020)Current North America – UK biodiesel movementsOver the period we have gathered data, volumes of biodiesel moving to the UK from north America have been extremely small.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Tonnes | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
| **US Imports** | 0.01 | 1.71 | 22.9 | 6.6 | 7.52 | 1.78 | 0.07 |

 Due to the exemption on Canadian-origin biodiesel from specified sources, Canadian biodiesel imports (from 2016) are higher, with trade having at least doubled each year since 2016 – this is believed to reflect both that some Canadian suppliers have been exempted from sanctions, but is also due to increased demand in the UK.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Tonnes | 2016 | 2017 | 2018 | 2019 |
| **Canadian Imports** | 104 | 312 | 667 | 1 500 |

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1. Provide any information which you think could help us assess the likelihood of dumping occurring if the existing anti-dumping/countervailing measures for the goods subject to review no longer applied.

|  |
| --- |
| UKPIA does not have evidence to answer this question. |

1. Do you think there would be injury to the UK industry if the existing anti-dumping/countervailing measures for the goods subject to review no longer applied? Provide any information supporting your conclusions including what the cause of this injury would be. You can refer to our [guidance on how we assess injury](https://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/how-we-assess-injury) for a definition of injury.

|  |
| --- |
| UKPIA does not have evidence to answer this question, however, would note that despite some of our member companies being UK biodiesel producers that all members are in support of the removal or reduction of specific duty in this case - so long as they don’t put UK industry at an unfair disadvantage relative to our global peers - given the UK is short on biodiesel production.  |

1. Please provide any information about the possible economic effects on the UK if the existing anti-dumping/countervailing measures on the goods subject to review were no longer applied.

|  |
| --- |
| UKPIA notes that North American imports captured under these sanctions are very low (See Q1 averaging <10 tonnes of biodiesel from the US, with those imports from Canada assumed to be exempt from sanctions) meaning that direct benefits will be minimal. Any benefit to the UK economy would likely be felt as a result of increased competition for imported biodiesel which principally are imported from the EU today. |

1. If you have any other information which may help us with this review, please provide it below.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **Future demand for Biodiesel**As shown in the answer to Q1, the UK is already a net importer of biodiesel and has been for a number of years despite a growth in demand for biodiesel that has resulted from the increasing requirements of the RTFO. In considering if allowing US biodiesel to move to the UK without sanctions in future, it is important to note that demand for biodiesel can be expected to increase in the coming years. **UK RTFO Target** Overall biodiesel imports to the UK have increased substantially in 2019, with the introduction of the increased RTFO target in 2019 and 2018. (\*The 2018 reporting year was shorter than those preceding and following it – from 15 April to 31 December). The following table (spit in two for ease) shows both historic increases in the RTFO from 4% in 2011 to 9.75% in 2020 and also that the obligation is expected to grow still further out until 2032. It should be noted that with the current trajectory, the increased obligation is aimed to be met through ‘development fuels’ rather than first generation biofuels which are the principal focus of current sanctions, however, biodiesel can be a development fuel e.g. if produced from renewable sources such as qualifying wastes/hydrogen sources and could be traded under the Tariff codes affected.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **2011 / 12** | **2012 / 13** | **2013/14 -2017/18** | **2018\*** | **2019** | **2020** | **2021** | **2022** | **2023** |
| **RTFO Target** | 4% | 4.5% | 4.75% | 7.25% | 8.5% | 9.75% | 10.1% | 10.4% | 10.6% |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **2024** | **2025** | **2026** | **2027** | **2028** | **2029** | **2030** | **2031** | **2032** |
| **RTFO Target** | 10.8% | 11% | 11.2% | 11.4% | 11.6% | 11.8% | 12% | 12.2% | 12.4% |

As well as the currently known increases in RTFO obligation, it should be noted that the UK Department for Transport has indicated its intent to run a consultation on the RTFO in early 2021. Should the RTFO obligation be increased, one of the criteria that should be met in such a decision would be the availability of biodiesel which reduction or removal of these sanctions would help provide.SustainabilityWith regards to the specific duty on US biodiesel at present, rather than a blanket removal, there may be an argument to reduce the scope so that it only applies to first generation biodiesels. The UK might consider removal of specific duty for second generation biodiesels given the likely improvement in GHG reductions which would ensure that any traded biodiesel into the UK was fully in line with the objectives of the RTFO.EU interdependencyIn terms of other relevant policy changes, at the point of writing there has not been a trade deal negotiated with the EU and the UK beyond the end of the Transition Period (31st December 2020). This is important with regard to biodiesel as almost all biofuel imports (99%) that are used under the RTFO are imported from the EU. As UKPIA has raised with the Department for International Trade and the Department for Business Energy and Industrial Strategy, there is already a risk that - without a comprehensive trade deal with the EU – the cost of biofuels will be increased as UK fuel suppliers will need to pay tariffs on the biofuels imported from the EU which is not currently the case in the Customs Union. Under the UK Global Tariff, biodiesel (tariff code 38 26 00 10) may be subject to import tariffs of 6%. While special procedures such as Inward Processing can be sought to bring this tariff into line with the diesel tariff into which the biodiesel will be blended – which is 0% - not all suppliers will have an Inward Processing capability. Whether special procedures do apply or not, if the UK is able to access greater volumes of tariff free or low tariff biodiesel then it will be better able to meet its import supply, therefore, we would support efforts to remove tariff barriers and agree free trade agreements with biodiesel exporting countries given this clear and obvious trade deficit in the 2020s. |

# SECTION B: Next steps and declaration

## Next steps

Once you have completed all parts of the questionnaire, the declaration below should be signed.

Please upload this questionnaire to both cases (TD004 and TS005) through the Trade Remedies Service ([www.trade-remedies.service.gov.uk](http://www.trade-remedies.service.gov.uk)) by **8th November 2020.**

A confidential and non-confidential version of the questionnaire must be submitted. You can find guidance on how to complete confidential and non-confidential versions at [www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#handling-confidential-information](http://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#handling-confidential-information).

**Declaration**

By signing this declaration, you agree that all information supplied in this questionnaire is complete and correct to the best of your knowledge and belief and that you understand that the information you submit may be subject to verification by TRID.

Company name: UK Petroleum Industry Association

Company registration number (if applicable):

|  |  |  |
| --- | --- | --- |
|    8/12/2020 |   |  A picture containing hanger  Description automatically generated |
| Date |  | Signature of authorised official |
| James Baker, Director of External Relations |  |  |
| Name and title of authorised official |  |  |