

## EXECUTIVE SUMMARY

**Of the request for a review for the purpose of granting an exemption from the anti-dumping and countervailing duties applicable to imports of biodiesel originating in the United States of America as extended to imports consigned from Canada whether declared as originating in Canada or not**

**in accordance with articles 13(4) and 11(4) of the basic anti-dumping regulation and article 23(6) of the basic anti-subsidy regulation**

### 1. Applicant

Verbio Diesel Canada Corporation

### 2. Background

On 7 July 2009, the EU institutions imposed definitive anti-dumping and countervailing duties on biodiesel imports from the USA<sup>1</sup>.

On 5 May 2011, the EU institutions extended the definitive anti-dumping and countervailing duties on biodiesel imports originating in the USA to imports of biodiesel consigned from Canada – whether declared as originating in Canada or not – and to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the USA<sup>2</sup>.

On 14 September 2015, the EU Commission renewed the anti-dumping and countervailing duties applicable to biodiesel imports from the USA and thus to biodiesel imports consigned from Canada, whether declared as originating in Canada or not<sup>3</sup>.

### 3. Product concerned

The product concerned is fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin consigned from Canada, whether declared as originating in Canada or not. The product concerned falls within the following CN codes of the EU combined nomenclature: CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 99, ex 2710 19 43, ex 2710 19 46, ex 2710 19 47, ex 2710 20 11, ex 2710 20 16, ex 3824 99 92, 3826 00 10 and ex 3826 00 90.

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<sup>1</sup> OJ L 179, 10 July 2009, p. 1; OJ L 179, 10 July 2009, p. 26.

<sup>2</sup> OJ L 122, 11 May 2011, p. 1; OJ L 122, 11 May 2011, p. 12.

<sup>3</sup> OJ L 239, 15 September 2015, p. 69; OJ L 239, 15 September 2015, p. 99.

#### **4. Summary of the request**

The Applicant requests the EU Commission to initiate a review for the purpose of determining the possibility of granting an exemption from the anti-dumping and countervailing duties applicable to imports of biodiesel originating in the USA as extended to imports consigned from Canada, whether declared as originating in Canada or not. The Applicant provides the following information:

- Verbio Diesel Canada Corporation is a recent company which purchased a biodiesel plant in Canada in 2019. Accordingly, it did not export biodiesel to the EU during the investigation period on which the measures were based;
- Verbio Diesel Canada Corporation is not related to any of the exporters or producers in the exporting country which is subject to the existing measures on the product concerned;
- Verbio Diesel Canada Corporation has no biodiesel production in the US;
- Verbio Diesel Canada Corporation has exported limited quantities of the product concerned to the Union after the investigation period of the anti-circumvention investigation;
- Verbio Diesel Canada Corporation has not been engaging in circumvention practices as it is a genuine Canadian biodiesel producer which has never imported biodiesel from the US into Canada.

#### **5. Interested parties**

EU producers: the European Biodiesel Board

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