



C/2026/4087

31.7.2026

Notice of initiation of a partial interim review of the anti-subsidy measures applicable to imports of biodiesel originating in the United States of America

(C/2026/4087)

The European Commission ('the Commission') received a request for a partial interim review of the anti-subsidy measures applicable to imports of biodiesel, originating in the United States of America ('the USA'), pursuant to Article 19 of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'). The partial interim review is limited to the product scope.

1. Request for review

The request was lodged on 8 June 2026 by Diamond Green Diesel LLC and Valero Energy (Ireland) Limited ('the applicants').

An open version of the request is available in the file for inspection by interested parties. Section 5.4 of this Notice provides information about access to the file for interested parties.

2. Product under review

The product subject to this review 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 ('product under review').

The product concerned is the product under review currently falling under CN codes ex 1516 20 98 (TARIC code 1516 20 98 29), ex 1518 00 91 (TARIC code 1518 00 91 29), ex 1518 00 95 (TARIC code 1518 00 95 33), ex 1518 00 99 (TARIC code 1518 00 99 29), ex 2710 19 11 (TARIC code 2710 19 11 10), ex 2710 19 15 (TARIC code 2710 19 15 10), ex 2710 19 21 (TARIC code 2710 19 21 10), ex 2710 19 25 (TARIC code 2710 19 25 10), ex 2710 19 29 (TARIC code 2710 19 29 10), ex 2710 19 42 (TARIC code 2710 19 42 29), ex 2710 19 44 (TARIC code 2710 19 44 29), ex 2710 19 46 (TARIC code 2710 19 46 29), ex 2710 19 47 (TARIC code 2710 19 47 29), ex 2710 20 11 (TARIC code 2710 20 11 29), ex 2710 20 16 (TARIC code 2710 20 16 29), ex 3824 99 92 (TARIC codes 3824 99 92 14 and 3824 99 92 17), 3826 00 10 and ex 3826 00 90 (TARIC code 3826 00 90 19), originating in the United States of America. The CN and TARIC codes are given for information only without prejudice to a subsequent change in the tariff classification.

3. Existing measures

By Regulation (EC) No 598/2009 ⁽²⁾, the Council imposed definitive countervailing duties on imports of biodiesel originating in the United States of America. These measures were extended by Council Implementing Regulation (EU) No 443/2011 ⁽³⁾, following an anti-circumvention investigation, to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not. By Regulation (EU) No 443/2011, the measures were also extended to imports of biodiesel in a blend containing by weight 20 % or less of 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. The measures currently in force are a definitive anti-subsidy duty imposed by Commission Implementing Regulation (EU) 2021/1267 ⁽⁴⁾, which has been corrected by Commission Implementing Regulation (EU) 2025/1869 ⁽⁵⁾ to clarify that the product concerned includes sustainable aviation fuels that are hydrotreated esters and fatty acids.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55, ELI: <http://data.europa.eu/eli/reg/2016/1037/oj>.

⁽²⁾ OJ L 179, 10.7.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/598/oj>.

⁽³⁾ OJ L 122, 11.5.2011, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2011/443/oj.

⁽⁴⁾ OJ L 277, 2.8.2021, p. 62, ELI: http://data.europa.eu/eli/reg_impl/2021/1267/oj.

⁽⁵⁾ OJ L 2025/1869, 15.9.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1869/oj.

4. Grounds for the review

The request is based on sufficient evidence provided by the applicant that the scope of the existing measure can be amended to exclude a specific type of the product concerned used for a very specific and limited type of application.

Sustainable aviation fuels that are paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend ('SAF HEFA') under CN codes ex 2710 19 11 (TARIC code 2710 19 11 10), ex 2710 19 15 (TARIC code 2710 19 15 10), ex 2710 19 21 (TARIC code 2710 19 21 10), ex 2710 19 25 (TARIC code 2710 19 25 10), and ex 2710 19 29 (TARIC code 2710 19 29 10) were covered by the original product scope.

The applicants alleged that SAF HEFA is a distinct product with different characteristics, production processes, end uses, and regulatory treatment compared to fatty acid methyl esters and hydrotreated vegetable oil that were the original targets of the measures.

The applicants further alleged that duties on SAF HEFA are not in the Union interest, since they raise airline costs and thus contradicting the European Union's policy of exempting jet fuel from excise duties. Further, the European Union's regulatory framework is driving a sustained increase in demand for SAF HEFA, far outpacing projected domestic production capacity. Union producers will be unable to close the anticipated supply gap due to feedstock constraints and stalled production expansion projects.

Therefore, the applicant requests an exclusion from the product scope of sustainable aviation fuels that are hydrotreated esters and fatty acids.

5. Procedure

Having determined, after informing the Member States, that sufficient evidence exists to justify the initiation of a partial interim review limited to the product scope, the Commission hereby initiates a review in accordance with Article 19 of the basic Regulation.

5.1. *Comments on the request and the initiation of the investigation*

All interested parties wishing to comment on the request or any aspects regarding the initiation of the investigation must do so within 37 days of the date of publication of this Notice in the *Official Journal of the European Union* ⁽⁶⁾.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

5.2. *Interested parties*

In order to participate in the investigation, interested parties, such as producers in the country concerned, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under review produced by the Union industry or the product concerned placed on the Union market.

Producers in the country concerned, Union producers, importers and representative associations who made information available will be considered as interested parties if there is an objective link between their activities and the product under review produced by the Union industry or the product concerned placed on the Union market.

The other parties mentioned in the first paragraph of this section will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under review produced by the Union industry or the product concerned placed on the Union market. Being considered as an interested party is without prejudice to the application of Article 28 of the basic Regulation.

⁽⁶⁾ All references to the publication of this Notice will be references to publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access ⁽⁷⁾.

5.3. *Other written submissions*

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

5.4. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.5. *Instructions for making written submissions and sending correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission (a) to use the information and data for the purpose of this trade defence proceeding and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ⁽⁸⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: <https://europa.eu/!7tHpY3>. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

⁽⁷⁾ In case of technical problems please contact the Trade Service Desk by email (trade-service-desk@ec.europa.eu) or by telephone (+32 22979797).

⁽⁸⁾ A 'Sensitive' document is a document which is considered confidential pursuant to Article 29 of the basic Regulation and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures. It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43, ELI: <http://data.europa.eu/eli/reg/2001/1049/oj>).

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON.tdi: <https://tron.trade.ec.europa.eu/tron/tdi>

Email: TRADE-BIODIESEL-REVIEW-INJURY@ec.europa.eu

6. Schedule of the investigation

The investigation shall normally be concluded within 12 months and in any event no later than 15 months from the date of the publication of this Notice, pursuant to Article 22(1) of the basic Regulation.

7. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in section 5 of this Notice.

In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. Possibility to comment on other parties' submissions

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 5 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. Extension to time limits specified in this Notice

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified. Extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded, and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission

11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade and Economic Security's website: https://policy.trade.ec.europa.eu/contacts/hearing-officer_en.

12. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁹⁾.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade and Economic Security's website: <https://europa.eu/lvr4g9W>.

⁽⁹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>)