

# Countervailing duties on Biodiesel originating in Indonesia confirmed – A big win for the EBB

**Brussels, 15 December: The EBB welcomes the European General Court decision to dismiss the actions for annulment initiated by three Indonesian biodiesel producers in March 2020, following the EU imposition of definitive countervailing duties on biodiesel imports from Indonesia.**

After a 2-year litigation, earlier this week the EU General Court rejected all arguments brought forward by Indonesian exporters to justify their request to annul the countervailing duties imposed by the EU on biodiesel imports from Indonesia. Regarding the claim that the European Commission (EC) failed to consider all relevant data to establish undercutting, the Court confirmed that the Indonesian exporters had information that enabled them to understand the EC's calculation, and that the EC did not commit a manifest error of assessment. Moreover, since there was no error in the calculation of price undercutting, the Court ruled that the EC could not be criticized for taking undercutting into account for the purpose of assessing its effects on the Union industry.

Importantly, rejecting all Indonesians' arguments, the General Court confirmed that the export tax is indeed subsidy within the meaning of the EU Basic Anti-Subsidy Regulation. Moreover, in addition to the fact that there was lack of cooperation by Indonesian parties in this case, the Court ruled that the Indonesian Government entrusted or directed the Crude Palm Oil (CPO) suppliers to provide their goods for less than adequate remuneration. The Court also dismissed the arguments that the EC committed a manifest error of assessment in calculating the amount of the benefit conferred by the Oil Palm Plantation Fund scheme, by not deducting the transport costs.

*"We are very pleased that the General Court upheld the imposition of definitive countervailing duties on biodiesel coming from Indonesia, protecting the European biodiesel industry from unfair Indonesian subsidies. The European biodiesel industry has been working hard to ensure a level playing field between EU and non-EU biodiesel producers, and these duties are a big part of that effort."* stated Mr. Xavier Noyon, EBB secretary-General.

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The **European Biodiesel Board (EBB)** is a non-profit organisation established in January 1997. The EBB gathers nearly 60 members across 21 Member-States, representing around 75% of the European output. Biodiesel is the main European solution to reduce emissions from transport and dependence on imported oil. The EBB promotes the use of biodiesel in the European Union and is committed to fulfil International standards for sustainability in GHG emissions and sustainable feedstock. The EBB is constantly working towards the development of improved and greener technologies.

