



29th July, 2019.

The Director, Investigations 1,
Anti-Dumping Commission,
GPO Box 2013
Canberra ACT 2601
Australia

Dear Sir,

Initiation of Investigation No. 515 into alleged dumping of High Density Polyethylene exported from the Republic of Korea, the Republic of Singapore, the Kingdom of Thailand and the United States of America.

We refer to the above investigation and in the first instance, advise that neither Dow Chemical (Australia) Pty Ltd (“DCAL”) nor any other Dow entity engages in any predatory pricing practices which might otherwise be interpreted as dumping.

Secondly, we refer your attention to our request for an extension of time within which to respond to the importer questionnaire and to your response of the same date viz. 11 July 2019, indicating the matter was under consideration. We advise that as of today, no further response was received from the Commission.

Notwithstanding our request for an extension, we also wish to submit the following in support of a further request to be either:

- a) Excluded from the relevant process because :
 - any evidence of material injury that could otherwise be attributed to the company’s importations simply does not exist; and
 - the goods to which this investigation refers are not considered “like goods”;
or
- b) Removed from further investigation because of the minimal volumes involved.



The expense associated with completing formal responses to both importer and exporter questionnaires including accompanying spreadsheet data, is disproportionate to the level of business represented by our volume of imports. Such an exercise is estimated to involve an extraordinarily large number of personnel who are otherwise engaged in managing the company's normal operations.

As a proportion of total Australian import volumes during the period under investigation, we estimate the volume of goods imported by the company to represent approximately XXX%. Of the total Australian market size for the goods under reference, we estimate our HDPE imports to represent around XXX%.

We refer the Commission's attention to the following table illustrating the volumes and values associated with the company's import transactions throughout the investigation period.

Quarter	Import Volume GUR -MT	FOB Value GUR AUD	WA FOB Value AUD/MT
Q2-2018			
Q3-2018			
Q4-2018			
Q1-2019			
Total:			
Data Source: ABF import statistics supplied by ADC			

During the course of the investigation period, you will observe:

- A substantial reduction in import volumes from Q3-2018 onward.
- A substantial increase in the quarterly unit FOB values of some XXX% between Q2-2018 and Q1-2019.



- Both these trends are clearly at odds with Qenos assertions that such importations constituted a threat of material injury to its Australian operations.

Therefore, in terms of actual price undercutting, price suppression, loss of market share and sales volumes, the claims made by Qenos do not apply to importations by DCAL.

Moreover, to illustrate that DCAL's imports are not like goods to the goods under consideration and their consequent irrelevance to this investigation, we wish to advise:

1. Dow's XXXXTM brand products are specially formulated polyethylene compound grades used specifically in the local production of telecommunications.
2. The compounds which were imported during the period under review constitute XXX% of our shipments during that time. Furthermore, the XXXXX market sector is a small part of the total Australian market for HDPE products.
3. DCAL has not experienced any contested pricing from Qenos' products within this sector, either during the investigation period or in any prior period and therefore, believes Qenos did not (and presently does not) offer any HDPE equivalents which could be considered to be competitive or "like goods" within the meaning of the Customs Act.
4. We believe tacit recognition of this fact was accorded by Qenos in its application for measures when it omitted any reference to DCAL as one of the importing parties and to any Dow entity as a producer/exporter involved with dumped HDPE.
5. We challenge both Qenos (and the ADC) to identify specific instances throughout the investigation period where Qenos had lost sales opportunities due to price competitive offerings from DCAL's "XXXXTM" products.

TM Trademark of The Dow Chemical Company ("Dow") or an affiliated company of Dow



Under these circumstances, we strongly urge the Anti-Dumping Commission to reconsider its position and to favourably respond by excusing DCAL and its overseas supplier from further participation in the subject investigation.

Your prompt and favourable response would be greatly appreciated.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Dobson", written over a light grey circular stamp.

Karen Dobson
Managing Director
Dow Chemical Australia Pty Ltd