VAN BAEL & BELLIS

GLAVERBEL BUILDING
CHAUSSÉE DE LA HULPE 166 TERHULPSESTEENWEG
B-1170 BRUSSELS, BELGIUM

TELEPHONE +32 (0)2 647 73 50
TELEFAX +32 (0)2 640 64 99
WWW.VBB.COM

Trade Remedies Authority
Premier House
60 Caversham Road
Reading
RG1 7EB
United Kingdom

6 August 2026

By Trade Remedies Service

NON-CONFIDENTIAL

Dear Case Team,

Subject: Case No. AD0091 – Linear Low-Density Polyethylene (LLDPE) originating from the United States of America (USA) – Comments on the Proposed Sample

We refer to the notice on the proposed sample issued by the Trade Remedies Authority (***TRA***) on 30 July 2026 (the ***Notice***).[1] In the Notice, the TRA proposed a sample for exporting producers comprising the following overseas exporters:

- ExxonMobil Group (consisting of ExxonMobil Product Solutions Company, ExxonMobil Oil Corporation, and Gulf Coast Ventures LLC); and

- Equistar Chemicals, LP (***Equistar***).

According to the Notice, the proposed sample "*is based on applying a statistically valid method of sampling two exporters covering a range of volumes of exports, production volumes and values, and grades of LLDPE exported to the UK during the POI, pursuant to regulation 56(3)(b) of the Regulations*".

The Notice invited overseas exporters and importers to provide comments on the sampling methodology and the proposed sample by 6 August 2026.

Accordingly, Chevron Phillips Chemical Company LP (***CPChem***) hereby submits its views on the Notice.

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[1] Notice of proposed sample, 30 July 2026, Case No. AD0091 (*Linear Low-Density Polyethylene from United States of America*), see here.

CPChem considers that the proposed sample is not justified, and not representative of the exports of LLDPE to the UK during the period of investigation (***POI***) for the following reasons:

1. the sample is not warranted in the present case;

2. the proposed sample is not aligned with the well-established practice of the TRA. The TRA should have relied on the criterion of the largest volume of exports under regulation 56(3)(a) of the Regulations, which would have warranted CPChem's inclusion in the sample;

3. even assuming the application of a "statistically valid method" under regulation 56(3)(b), the proposed sample lacks representativeness.

CPChem's assessment is based on the limited information available on the file, namely a comparison of its own response with that of Equistar. The non-confidential version of ExxonMobil Group's registration form is, however, heavily redacted, preventing interested parties from providing any meaningful comments on that exporter's data. For this reason, CPChem reserves the right to submit further comments on the provisional sampling of exporters once more information becomes available.

1. THE TRA SHOULD NOT RESORT TO SAMPLING IN THIS CASE

In the Notice, the TRA informed interested parties of its preliminary decision to limit its examination of overseas exporters and importers in accordance with regulation 56 of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (the ***Regulations***). The TRA also intends to limit the issuing of questionnaires to those interested parties included in the (final) sample pursuant to regulation 54(4) of the Regulations.

CPChem submits that the TRA's preliminary decision to use sampling with respect to overseas exporters is not "appropriate" within the meaning of regulation 56(2) of the Regulations – and is, in fact, unwarranted – for the following reasons:

- only **three exporting producer groups** decided to cooperate in the investigation by submitting timely registration forms, namely CPChem, ExxonMobil Group and Equistar. A third "exporter" submitted a registration form (Basell Sales & Marketing Company B.V.) but, as it is clear from the registration form, this company is not a producer of the goods concerned but just a trader related to Equistar;
- by only including **two of the three cooperating exporting producers**, while arbitrarily leaving out the third, the proposed sample unlawfully and unjustifiably discriminates against CPChem. The Notice contains no reasoned justification whatsoever for this unwarranted and unacceptable preliminary decision;
- as a result of the proposed sample, the TRA would not investigate the **second largest exporter** of the goods concerned to the UK (CPChem), which undermines the reliability and representativeness of the sample. Moreover, as further noted below, CPChem's production, capacity and domestic sales figures are also comparable to (if not higher than) those of Equistar, further reducing any possible justifications for the TRA's preliminary decision to arbitrarily exclude CPChem;

- finally, it should be noted that CPChem has a relatively **simple corporate structure** (if compared to that of other exporters such as, e.g., ExxonMobil) with only three entities (two traders and one manufacturer) being involved in the sales to the UK. This makes the examination of CPChem not particularly burdensome and/or time-consuming for the TRA.

In light of the foregoing, CPChem considers that the use of sampling pursuant to regulation 56 is manifestly unjustified in this case. In fact, as explained, only three exporting producers have registered their interest to the investigation. Therefore, it cannot reasonably be argued that the number of exporting producers is so large that an individual examination would create an unreasonable administrative burden for the TRA.

This conclusion is also confirmed by several precedents of the TRA. For instance:

- in AD0071 (*Hot-rolled steel plates from Korea*), the TRA decided not to sample the exporting producers pursuant to regulation 56 given the limited number of responses in the registration period. In that case, three groups of exporting producers (such as in the present case) expressed their interest to cooperate in the investigation.[2]

- in AD0068 (*HVO from the United States of America*), the TRA decided not to sample the exporting producers pursuant to regulation 56. In that case, three groups of exporting producers (such as in the present case) expressed their interest to cooperate in the investigation by filing the sampling questionnaire.[3]

- in AD0062 (*Tin mill products from China*), the TRA decided not to sample the exporting producers pursuant to regulation 56 due to the number of responses in the registration period. In that case, five exporting producers expressed their interest to cooperate in the investigation by filing the sampling questionnaire.[4]

- in AD0049 (*Suspension Poly(vinyl chloride) from the United States of America*), the TRA decided not to sample the exporting producers pursuant to regulation 56 despite the fact that three overseas producers and two exporters had registered their interest in the investigation.[5]

For the above reasons, CPChem firmly requests that the TRA reverse its provisional decision to use sampling in this case, and issue questionnaires for all the three cooperating exporting producers, including CPChem.

Should the TRA nonetheless confirm the proposed sample decision, and fail to include CPChem among the addressees of questionnaires for overseas exporters in this case, CPChem hereby expressly reserves the right to challenge that decision and to defend its interests before the competent fora.

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2 Notice of proposed sample, 8 July 2025, Case No. AD0071 (*Hot-rolled steel plates from Korea)*, see here.
3 Notice of proposed sample, 11 April 2025, Case No. AD0068 (*HVO from the United States of America)*, see here.
4 Notice of proposed sample, 17 October 2024, Case No. AD0062 (*Tin mill products from China)*, see here.
5 Notice of proposed sample, 7 February 2024, Case No. AD0049 *(Suspension Poly(vinyl chloride) from the United States of America),* see here.

2. THE TRA SHOULD RELY ON A SAMPLE BASED ON THE LARGEST VOLUME OF EXPORTS

Without prejudice to the above, CPChem also notes that the proposed sample is in contrast with the TRA's established practice.

Regulation 56(3) of the Regulations provides that the TRA must determine which overseas exporters to include in a sample based on either (a) the largest volume of exports from the exporting country to the UK that the TRA is reasonably able to investigate, or (b) a statistically valid method. It is CPChem's understanding that the TRA has, in its consolidated practice in recent anti-dumping and anti-subsidy investigations, consistently applied the first limb of regulation 56(3) – i.e., sampling based on the largest volume of exports – rather than a "statistically valid method" under limb (b). A review of the TRA's most recent cases confirms this approach:

- in AS0088 (Glass containers from Türkiye), the TRA sampled three exporters "*based on the largest volume of exports of the goods concerned originating in Türkiye to the UK during the POI that the TRA is reasonably able to investigate*";[6]

- in AD0087 (*Glass containers from China*), the TRA sampled four exporters within two groups "*based on the largest volume of exports of the goods concerned originating in the PRC to the UK during the POI that the TRA is reasonably able to investigate*";[7]

- in *AD0086 (Rutile Titanium Dioxide from China)*, the TRA sampled seven exporters belonging to two groups, with the result that the sample was "*based on the largest volume of exports from the People's Republic of China to the UK that the TRA is reasonably able to investigate*";[8]

- in *AD0075 (Boom lifts from China)*, the TRA sampled two exporters since they were the "*two overseas exporters with the largest volume of exports that the TRA is reasonably able to investigate*";[9]

- in AD0058 (*Biodiesel from China*) the TRA sampled six exporting producers from two groups "*based on the largest volume of exports from the PRC to the UK that the TRA is reasonably able to investigate*";[10]

- in *AD0047 (Certain excavators from China)*, the TRA sampled two exporting groups (six exporters overall) "*based on the largest volume of exports*";[11] and

- in *AD0012 (Aluminium Extrusions from China)*, the TRA sampled four exporting groups (eight exporters overall) again "*based on the largest volume of exports*".[12]

It is therefore uncontested that the primary criterion consistently applied by the TRA in anti-dumping (and anti-subsidy) proceedings is that of the largest volume of exports. The Notice offers no explanation

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6 Notice of proposed sample, 12 June 2026, Case No. AD0088 (*Glass containers from Türkiye)*, see here.
7 Notice of proposed sample, 10 April 2026, Case No. AD0087 (*Glass containers from China)*, see here.
8 Notice of proposed sample, 1 May 2025, Case No. AD0086 (*Rutile Titanium Dioxide from China)*, see here.
9 Notice of proposed sample, 12 February 2026, Case No. AD0075 (*Boom lifts from China),* see here.
10 Notice of proposed sample, 27 August 2024, Case No. AD0058 (*Biodiesel from China*), see here.
11 Notice of proposed sample, 11 June 2024, Case No. AD0047 (*Certain excavators from China*), see here.
12 Notice of proposed sample, 12 July 2021, Case No. AD0012 (*Aluminium Extrusions from China*), see here.

whatsoever for the TRA's departure from this well-established criterion in the present case, and CPChem submits that no such explanation could be given.

In view of the non-confidential information available, CPChem's export volumes warrant its inclusion in the sample under the "standard" criterion of the largest volume. In fact, CPChem's total export volume to the UK during the POI amounted to approximately [20,300 – 27,300] MT, which is substantially larger than the total volume reported by Equistar in its non-confidential registration form. In truth, even taking into account the extremely broad ranges used by Equistar (in violation of the TRA instructions to report figures using 15%-wide ranges) – namely, a combined range across its direct and indirect export channels of approximately 7,500 to 17,500 MT (while the average of the mid-points of those two channels is approximately 6,250 MT) – Equistar's total exports of the goods concerned to the UK remain significantly lower than those of CPChem.

Accordingly, on the basis of the primary sampling criterion (consistently used in the TRA's recent practice), CPChem should have been included in the sample.

In light of the foregoing, CPChem respectfully submits that, including CPChem in the sample, alongside ExxonMobil Group and Equistar, would increase the proportion of UK imports covered by the investigation and produce a more representative and statistically robust basis for the TRA's dumping margin calculations, consistent with the objectives underlying regulation 56(3) of the Regulations.

For the avoidance of doubt, CPChem does not object to the proposed sample being expanded to include three exporting producers, provided that CPChem is included alongside ExxonMobil Group and Equistar. Such an expansion would be consistent with the TRA's recent practice, as it is not uncommon for more than two exporters to be included in the sample. As a matter of fact, certain cases have even featured samples of four exporting producer groups.[13]

3. THE PROPOSED SAMPLE IS NOT STATISTICALLY VALID

Without prejudice to all the above, even accepting the application of a sampling criterion based on the "statistically valid method" (*quod non*), CPChem submits that the proposed sample is not representative and should be amended.

In the Notice, the TRA identifies the following sub-criteria: (i) a range of volumes of exports, (ii) production volumes and values, and (iii) grades of LLDPE exported to the UK during the POI.

Regarding point (i), CPChem respectfully submits that the criterion used is extremely vague. Either it refers to the largest volume of exports (in which case it overlaps with the first criterion discussed in Section 2 above – in this case, the same considerations apply) or is indeterminate and may, consequently, lead to the artificial selection of exporters that are not representative of the US exporting industry. In either case, the reference to volumes and the necessity to ensure representativeness of the sample should have led the TRA to include CPChem.

Regarding point (ii), CPChem notes that its production volume and capacity for the goods concerned during the POI – respectively [730,000 – 980,000] MT and [840,000 – 1,100,000] MT – fall squarely within the

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13 See *AD0012 - Aluminium Extrusions from China*, where the TRA sampled four exporting groups (for a total of eight exporters: see here). In addition, see *AD0071 - Hot-rolled steel plate from South Korea*, where three exporting groups were investigated (see here).

ranges disclosed by Equistar in its non-confidential registration form (a production volume range of 300,000 to 1,000,000 MT and a production capacity range of 750,000 to 1,250,000 MT). For completeness, the same holds true for domestic sales: CPChem's domestic sales volume of [356,000 – 417,000] MT and domestic sales value of £[261,000,000 – 306,000,000] during the POI likewise sit within the ranges disclosed by Equistar (a domestic sales volume range of 100,000 to 500,000 MT and a domestic sales value range of £100,000,000 to £500,000,000). Considering Equistar's reliance on extremely broad ranges, Equistar’s production and domestic sales are likely lower (or at least broadly comparable) to those of CPChem, further confirming that CPChem's exclusion from the sample cannot be justified by reference to this criterion.

Regarding point (iii), CPChem submits that the grades of LLDPE exported by a given exporter are not, in principle, a meaningful criterion for sample selection. All conventional (Ziegler-Natta) and metallocene grades of LLDPE – irrespective of co-monomer (C4, C6 or C8) – fall within the goods concerned by this investigation. Since all such grades are, by definition, within scope and therefore subject to the same investigation and (if applicable) measure, the fact that a given exporter's export mix is concentrated on one or more particular grades does not, of itself, provide a rational basis for including or excluding that exporter from the sample. Therefore, CPChem contends that the application of this sub-criterion (and, consequently, its exclusion from the sample) is unwarranted and unlawful.

In addition, based on the information currently available on the public file, imports of C6 represent the large majority of the grades exported to the UK by the cooperating exporters, accounting for 95%[14] of total LLDPE exports. Exports of the other grades appear to be in any event limited. Including CPChem's exports of C6 in the sample would therefore align the sample with the grade most exported to the UK from the US, ensuring its statistical validity. This is because statistical validity depends not on the coverage of all product types, but on the sample’s overall representativeness of total exports. Thus, if during the POI exports were predominantly of C6 grade, then a representative sample should also predominantly feature that grade.

In light of the above, CPChem firmly reiterates that – should the TRA confirm the decision to use sampling for overseas exporters – CPChem must be included in the sample to ensure the sample's representativeness, consistent with the objectives underlying regulation 56(3) of the Regulations.

4. INVESTIGATING CPCHEM WOULD NOT OVERBURDEN THE TRA

CPChem's inclusion in the sample and/or the calculation of an individual margin of dumping pursuant to regulation 56(6) of the Regulations would not impose a disproportionate burden on the TRA's resources or timetable, for the following reasons:

- CPChem has only one producer of the goods concerned, namely Chevron Phillips Chemical Company LP, which manufactured and exported LLDPE to the UK during the POI. Although CPChem's sales to the UK are channelled through related traders, [Confidential: business secret information about sales channels], CPChem does not consider that this sales structure adds material complexity to an examination of CPChem as all sales to independent customers in the UK are routed through [Confidential: business secret information about sales channels].

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14 As noted above, ExxonMobil’s non-confidential version is highly deficient. This figure is calculated using the average of the non-confidential ranges reported by Equistar and CPChem.

- CPChem produces only two products falling within the scope of the investigation – conventional (Ziegler-Natta) LLDPE and metallocene LLDPE (mLLDPE) – out of its broader polyethylene portfolio (which also includes HDPE, MDPE and LDPE, none of which are within scope). Of these two in-scope products, only C6 LLDPE was exported to the UK during the POI.

This straightforward corporate and product profile means that an examination of CPChem would not require the TRA to analyse multiple production entities or a wide range of product types. This stands in contrast to the position of ExxonMobil Group, which – as indicated in the Notice itself – comprises three separate producing entities (ExxonMobil Product Solutions Company, ExxonMobil Oil Corporation and Gulf Coast Ventures LLC) and exports a wider range of grades, including metallocene C6 LLDPE exported under multiple UK commodity codes.

In light of the foregoing, CPChem firmly submits that there is no valid administrative justification for its exclusion from the sample. As done in other investigations, the TRA can readily accommodate the inclusion of a third investigated overseas exporter without compromising the timely completion of this investigation, and should do so accordingly.

5. CONCLUSION

For the reasons set out above, CPChem firmly requests that the TRA:

- revise its preliminary decision and not use sampling for overseas exporters, and thus, issue questionnaires also to CPChem;

- in the alternative, enlarge the sample of overseas exporters taking into account the criterion of the largest volumes of exports to the UK during the POI (in accordance with the established practice). This would result in the inclusion of CPChem in the sample of exporting producers alongside ExxonMobil Group and Equistar.

As a subordinate ground, and without prejudice to the foregoing, CPChem respectfully asks the TRA to be granted an individual margin of dumping pursuant to regulation 56(6) of the Regulations. To that end, the TRA is respectfully requested to issue the questionnaire for overseas exporters to CPChem, so that it may submit the necessary supporting information.

CPChem remains available to provide any further information the TRA may require with respect to these comments, and trusts that the TRA will give them the careful consideration they warrant. CPChem reserves all of its rights in this matter.

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