

**UNITED STATES - ANTI-DUMPING AND  
 COUNTERVAILING MEASURES ON LARGE  
 RESIDENTIAL WASHERS FROM KOREA**

**Recourse to Article 22.6 of the DSU  
 by the United States**

**Decision by the Arbitrator**  
 WT/DS464/ARB and Add.1

*8 February 2019*

**TABLE OF CONTENTS**

		Page
1.	INTRODUCTION .....	6311
	1.1 Initial Proceedings .....	6311
	1.2 Request for Arbitration and Arbitration Proceedings .....	6312
	1.3 Mandate of the Arbitrator .....	6313
	1.4 Order of Analysis .....	6314
2.	PROCEDURAL MATTERS .....	6315
	2.1 Working Procedures on Business Confidential Information (BCI).....	6315
	2.2 The United States' Request for an Open Meeting of the Arbitrator with the Parties .....	6316
3.	KOREA'S REQUEST PERTAINING TO LRWS ("AS APPLIED" FINDINGS) .....	6316
	3.1 Introduction .....	6316
	3.2 Determination of the Counterfactual and Appropriate Time- Frame.....	6318
	3.2.1 Introduction .....	6318
	3.2.2 Counterfactual for anti-dumping measures .....	6320
	3.2.2.1 Assessment of Korea's proposed counterfactual.....	6320
	3.2.2.2 Alternative counterfactual .....	6325
	3.2.3 Counterfactual for countervailing duty measures.....	6328
	3.2.3.1 The parties' positions .....	6328
	3.2.3.2 Assessment.....	6329

Decision by the Arbitrator

	3.2.4	The appropriate time-frame .....	6331
3.3		Proposed Models for Assessing the Level of Nullification or Impairment.....	6331
	3.3.1	Introduction.....	6331
	3.3.2	Whether the Arbitrator should conclude that the level of nullification or impairment is zero.....	6332
	3.3.3	Models .....	6334
	3.3.3.1	Korea's proposed model.....	6334
	3.3.3.2	United States' proposed model.....	6337
	3.3.3.3	Assessment of the models proposed by the parties.....	6340
	3.3.3.3.1	Whether LRWs are homogenous goods and characteristics of the United States' LRW market .....	6340
	3.3.3.3.2	Formula for calculating the level of nullification or impairment in the perfect substitutes model.....	6342
	3.3.3.3.3	Sensitivity of the model calculations to the values of the elasticities.....	6342
	3.3.3.3.4	Economic models used in previous WTO arbitrations.....	6343
	3.3.3.3.5	Evidence on the elasticity of substitution.....	6344
	3.3.3.4	Arbitrator's conclusion on the economic model .....	6346
	3.3.4	Values of the parameters and data to be used in the model .....	6347
	3.3.4.1	Introduction.....	6347
	3.3.4.2	Demand elasticity .....	6348
	3.3.4.3	Supply elasticity.....	6348
	3.3.4.4	Elasticity of substitution .....	6348
	3.3.4.5	Size of the LRW market .....	6349
	3.3.4.6	Amount of LRW imports .....	6350
3.4		The Arbitrator's Own Determination of the Level of Nullification or Impairment .....	6354
3.5		Korea's Request to Adjust the Level of Suspension Annually.....	6356
	3.5.1	Introduction.....	6356

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 US - Washing Machines (Article 22.6 - US)
 

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3.5.2	Annual adjustment of the level of nullification or impairment based on the inflation rate .....	6359
3.6	Conclusion .....	6361
4.	KOREA'S REQUEST PERTAINING TO NON-LRWs ("AS SUCH" FINDINGS) .....	6361
4.1	Introduction .....	6361
4.2	The Appropriate Counterfactual and Time-Frame for Korea's Request Pertaining to Non-LRWs .....	6362
4.2.1	Counterfactual .....	6362
4.2.1.1	The parties' positions .....	6362
4.2.1.2	Assessment of Korea's proposed counterfactual .....	6363
4.2.1.3	Alternative counterfactual .....	6365
4.2.2	The appropriate time-frame .....	6369
4.3	Korea's Proposed Formula to Assess the Level of Nullification or Impairment .....	6369
4.3.1	Introduction .....	6369
4.3.2	Description of Korea's proposed formula .....	6370
4.3.3	The United States' arguments regarding Korea's proposed formula .....	6370
4.3.4	Arbitrator's assessment of Korea's proposed formula .....	6372
4.4	The Arbitrator's Own Determination of the Level of Nullification or Impairment for Non-LRWs .....	6375
4.4.1	Introduction .....	6375
4.4.2	Guiding considerations for calculating the level of nullification or impairment for non-LRWs .....	6375
4.4.3	Formula to calculate the level of nullification or impairment .....	6378
4.4.3.1	Description .....	6378
4.4.3.2	Theoretical basis .....	6379
4.4.3.3	Determination of coefficient, $c$ .....	6380
4.4.3.3.1	Introduction .....	6380
4.4.3.3.2	Substitution elasticity, $\sigma$ .....	6382
4.4.3.3.3	Price elasticity of demand, $\varepsilon$ .....	6383
4.4.3.3.4	Price elasticity of supply, $\eta$ .....	6384
4.4.3.3.5	Market share of Korea in total sales in the United States, $sh$ .....	6385
4.4.3.4	Value of imports .....	6386
4.4.3.4.1	Possible data sources .....	6386

Decision by the Arbitrator

---

	4.4.3.4.2 Procedure to determine the value of imports .....	6391
	4.4.3.5 Level and change of the WTO-inconsistent duty, $\Delta t$ .....	6394
4.5	Conclusion .....	6395
4.6	Korea's Request to Adjust the Level of Suspension Annually .....	6396
	4.6.1 Approach of the Arbitrator .....	6396
	4.6.2 Annual adjustment of the level of nullification or impairment of non-LRWs based on the inflation rate ...	6397
5.	OVERALL AWARD OF THE ARBITRATOR .....	6399
6.	CONCLUDING OBSERVATIONS .....	6400

## LIST OF ANNEXES

### ANNEX A

#### WORKING PROCEDURES OF THE ARBITRATOR

<b>Contents</b>		<b>Page</b>
Annex A-1	Working Procedures of the Arbitrator	6403
Annex A-2	Additional Working Procedures of the Arbitrator Concerning Business Confidential Information	6409

### ANNEX B

#### ARGUMENTS OF THE PARTIES

<b>Contents</b>		<b>Page</b>
Annex B-1	Integrated Executive Summary of the Arguments of the United States	6411
Annex B-2	Integrated Executive Summary of the Arguments of Korea	6426

Decision by the Arbitrator

---

## ANNEX C

### CALCULATIONS OF THE ARBITRATOR

Contents		Page
Annex C-1	Level of Nullification or Impairment for LRWs: Calculations	6441
Annex C-2	Level of Nullification or Impairment for Non-LRWs: Derivation of Formula	6454

## ANNEX D

### DECISION OF THE ARBITRATOR CONCERNING A PARTIALLY OPEN HEARING

Contents		Page
Annex D-1	Decision of the Arbitrator on the United States' Request for an Open Hearing	6469

## CASES CITED IN THIS REPORT

Short Title	Full Case Title and Citation
<i>Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada)</i>	Decision by the Arbitrator, <i>Canada – Export Credits and Loan Guarantees for Regional Aircraft – Recourse to Arbitration by Canada under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS222/ARB, 17 February 2003, DSR 2003:III, p. 1187
<i>EC – Bananas III (Article 21.5 – US)</i>	Panel Report, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States</i> , WT/DS27/RW/USA and Corr.1, adopted 22 December 2008, upheld by Appellate Body Report WT/DS27/AB/RW/USA, DSR 2008:XIX, p. 7761
<i>EC – Bananas III (US) (Article 22.6 – EC)</i>	Decision by the Arbitrator, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS27/ARB, 9 April 1999, DSR 1999:II, p. 725
<i>EC – Bananas III (Ecuador) (Article 22.6 – EC)</i>	Decision by the Arbitrator, <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS27/ARB/ECU, 24 March 2000, DSR 2000:V, p. 2237
<i>EC – Hormones (US) (Article 22.6 – EC)</i>	Decision by the Arbitrators, <i>European Communities – Measures Concerning Meat and Meat Products (Hormones), Original Complaint by the United States – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU</i> , WT/DS26/ARB, 12 July 1999, DSR 1999:III, p. 1105
<i>Japan – DRAMS (Korea)</i>	Appellate Body Report, <i>Japan – Countervailing Duties on Dynamic Random Access Memories from Korea</i> , WT/DS336/AB/R and Corr.1, adopted 17 December 2007, DSR 2007:VII, p. 2703
<i>US – 1916 Act (EC) (Article 22.6 – US)</i>	Decision by the Arbitrators, <i>United States – Anti-Dumping Act of 1916, Original Complaint by the European Communities – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS136/ARB, 24 February 2004, DSR 2004:IX, p. 4269
<i>US – Section 110(5) Copyright Act (Article 25)</i>	Award of the Arbitrator, <i>United States – Section 110(5) of the US Copyright Act – Recourse to Arbitration under Article 25 of the DSU</i> , WT/DS160/ARB25/1, 9 November 2001, DSR 2001:II, p. 667
<i>US – COOL (Article 22.6 – United States)</i>	Decisions by the Arbitrator, <i>United States – Certain Country of Origin Labelling (COOL) Requirements – Recourse to Article 22.6 of the DSU the United States</i> , WT/DS384/ARB and Add.1 / WT/DS386/ARB and Add.1, circulated to WTO Members 7 December 2015
<i>US – Gambling (Article 22.6 – US)</i>	Decision by the Arbitrator, <i>United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS285/ARB, 21 December 2007, DSR 2007:X, p. 4163
<i>US – Offset Act (Byrd Amendment) (EC) (Article 22.6 – US)</i>	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by the European Communities – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/EEC, 31 August 2004, DSR 2004:IX, p. 4591

## Decision by the Arbitrator

Short Title	Full Case Title and Citation
<i>US – Offset Act (Byrd Amendment) (Brazil)</i> (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Continued Dumping and Subsidy Offset Act of 2000, Original Complaint by Brazil – Recourse to Arbitration by the United States under Article 22.6 of the DSU</i> , WT/DS217/ARB/BRA, 31 August 2004, DSR 2004:IX, p. 4341
<i>US – Tuna II (Mexico)</i> (Article 21.5 – US)	Appellate Body Report, <i>United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products – Recourse to Article 21.5 of the DSU by Mexico</i> , WT/DS381/AB/RW and Add.1, adopted 3 December 2015, DSR 2015:X, p. 5133
<i>US – Tuna II (Mexico)</i> (Article 22.6 – US)	Decision by the Arbitrator, <i>United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products – Recourse to Article 22.6 of the DSU by the United States</i> , WT/DS381/ARB, 25 April 2017
<i>US – Upland Cotton</i> (Article 22.6 – US I)	Decision by the Arbitrator, <i>United States – Subsidies on Upland Cotton – Recourse to Arbitration by the United States under Article 22.6 of the DSU and Article 4.11 of the SCM Agreement</i> , WT/DS267/ARB/1, 31 August 2009, DSR 2009:IX, p. 3871
<i>US – Upland Cotton</i> (Article 22.6 – US II)	Decision by the Arbitrator, <i>United States – Subsidies on Upland Cotton – Recourse to Arbitration by the United States under Article 22.6 of the DSU and Article 7.10 of the SCM Agreement</i> , WT/DS267/ARB/2 and Corr.1, 31 August 2009, DSR 2009:IX, p. 4083



**MAIN EXHIBITS REFERRED TO IN THIS REPORT**

Panel Exhibit	Title
KOR-5	Notice of Final Determination of Sales at Less Than Fair Value: Large Residential Washers from the Republic of Korea, 77 Fed. Reg. 75988 (Dec. 26, 2012)
KOR-7	AHAM Data Summary (2011-2017)
KOR-8	USITC Dataweb Annual Customs Value Query Screenshot
KOR-9	Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Large Residential Washers From the Republic of Korea, 77 Fed. Reg. 46391 (Aug. 3, 2012)
KOR-15	R. Hallren and D. Riker, An Introduction to Partial Equilibrium Modeling of Trade Policy, Economic Working Paper Series (Working Paper 2017-07-B), U.S. International Trade Commission, July 2017
KOR-17	C. Bown and M. Ruta (2008), "The Economics of Permissible WTO Retaliation", in The Law, Economics and Politics of Retaliation in WTO Dispute Settlement (eds. by C. Bown & J. Pauwelyn; 2010)
KOR-25	Large Residential Washers, Investigation No. TA-201-076 (Safeguard), USITC Publication 4745 (December 2017)
KOR-29	India – Measures Concerning the Importation of Certain Agricultural Products: Recourse to Article 22.6 of the DSU by India (DS430) – Methodology Paper of the United States of America
KOR-52	Impact of Armington Elasticities Based on Exhibit USA-19
KOR-69	Feenstra, Robert C., et al. "In Search of the Armington Elasticity", The Review of Economics and Statistics, 100(1), March 2018
KOR-70	Calculation of Exporters Subject to W-T Comparison Method
USA-2	Large Residential Washers from Korea and Mexico Inv. Nos. TA-701-488 & 731-TA-1199-1200 (1st Review), Samsung's Substantive Response to ITC Notice of Institution (February 1, 2018)
USA-4	LG Electronics' Notice of Intent to Participate and Substantive Response to Notice of Initiation of Sunset Review – Large Residential Washers from Korea (February 5, 2018)
USA-18	Linda Calvin and Barry Krisoff, "Technical Barriers to Trade: A Case Study of Phytosanitary Barriers and U.S.-Japanese Apple Trade", Journal of Agricultural and Resource Economics, 23(2):351-366 (1998)
USA-21 (BCI)	U.S. Customs and Border Protection Data on the Value of Imports from Korea that Were Subject to the U.S. Antidumping and Countervailing Duty Measures on LRWs from Korea for Each Year from 2011 to 2017, as Requested by the Arbitrator
USA-24 (BCI)	Memorandum to the File from David Goldberger and Rebecca Trainor re: Antidumping Duty Investigation of Large Residential Washers (Washing Machines) from Korea, Preliminary Determination Margin Calculation for LG Electronics Inc. and LG Electronics USA, Inc. (collectively, "LG") (July 27, 2012)
USA-28 (BCI)	Memorandum to the File from David Goldberger and Rebecca Trainor re: Antidumping Duty Investigation of Large Residential Washers from Korea, Final Determination Margin Calculation for LG Electronics Inc. (LGE) and LG Electronics USA, Inc. (LGEUS; collectively, "LG") (December 18, 2012)

## Decision by the Arbitrator

Panel Exhibit	Title
USA-29 (BCI)	Memorandum to the File from Henry Almond and Kate Johnson re: Antidumping Duty Investigation of Large Residential Washers (Washing Machines) from Korea, Preliminary Determination Margin Calculation for Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") (July 27, 2012)
USA-33 (BCI)	Memorandum to the File from Henry Almond and Kate Johnson re: Antidumping Duty Investigation of Large Residential Washers (Washing Machines) from Korea, Samsung Final Determination Calculation Memorandum (December 18, 2012)
USA-35	Memorandum to Paul Piquado from Gary Tavernman re: Issues and Decision Memorandum for the Antidumping Duty Investigation of Large Residential Washers from the Republic of Korea (December 18, 2012)