

VOLUME 20 | NUMBER 4 | OCTOBER 2021

WORLD TRADE REVIEW

Economics

Law

International Institutions

Special Issue: WTO Case Law

Guest Editors: Chad P. Bown and Petros C. Mavroidis

20th
Anniversary
Year



**WORLD TRADE
ORGANIZATION**

**CAMBRIDGE
UNIVERSITY PRESS**

WORLD TRADE REVIEW

Editors

PETER VAN DEN BOSSCHE
World Trade Institute, University of Bern
peter.vandenbossche@wti.org

MANFRED ELSIG
World Trade Institute, University of Bern
Manfred.Elsig@wti.org

JOSEPH FRANÇOIS
World Trade Institute, University of Bern
Joseph.Francois@wti.org

MONA PINCHIS-PAULSEN
*London School of Economics and
Political Science*
M.Paulsen@lse.ac.uk

Editorial Assistant

MILES LAMBERT
worldtradereview@yahoo.co.uk

Editorial Board

EMILY BLANCHARD
Dartmouth College, Hanover

JAN BOHANES (Book Review Editor)
Advisory Centre on WTO Law

CHAD P. BOWN
*Peterson Institute for International
Economics, Washington, DC*

STEVE CHARNOVITZ
*The George Washington University Law
School*

CAROLYN FISCHER
*Vrije Universiteit Amsterdam and
University of Ottawa*

JUDITH GOLDSTEIN
Stanford University

DOUGLAS A. IRWIN
Dartmouth College, Hanover

MERIT E. JANOW
Columbia University

SOO YEON KIM
National University of Singapore

ROBERT KOOPMAN
(ex officio) World Trade Organisation

PATRICK LOW
Asia Global Institute

INU MANAK (Book Review Editor)
Cato Institute

HELEN MILNER
Princeton University

SHIN-YI PENG
National Tsing Hua University

STEPHANIE RICKARD
*London School of Economics and
Political Science*

ALAN SYKES
Stanford University

HYLKE VANDENBUSSCHE
Katholieke Universiteit Leuven

TANIA VOON
The University of Melbourne

L. ALAN WINTERS
University of Sussex

ROBERT WOLFE
Queens University

MARK WU
Harvard University

Statement of Aims

The World Trade Review (WTR) has been established at the initiative of the Secretariat of the World Trade Organization (WTO) in close cooperation with Cambridge University Press. The WTR is an independent, multi-disciplinary journal that aims to deepen understanding of issues facing the international trading system through critical analysis and constructive debate.

The journal welcomes manuscripts written from economic, legal and inter-disciplinary perspectives on issues of relevance to the multilateral trading system. A rigorous peer review process assures that material accepted for publication meets high standards in terms of theoretical and methodological rigour. Papers written in a manner that makes them accessible to the wider public and to government officials engaged in policy discourse and decision-making are particularly welcome. To further stimulate debate, the journal encourages the submission of short articles or notes commenting on published papers. These pieces are also subject to peer review in order to ensure their quality.

The policy of the journal is determined by the Editor and the members of the Editorial Board, in conjunction with Cambridge University Press. The content of each issue is determined by the Editor, subject to broad oversight by the Board.

Opinions and other material contained in the WTR are not attributable to Members of the WTO, to the WTO Secretariat, to members of the Editorial Board or to the Editor, nor should they be taken as reflecting the views of any of the aforementioned groups or individuals.

Submission of articles

The World Trade Review invites authors to submit original manuscripts on all aspects of issues related to the multilateral trading system. Short articles or notes commenting on previously published articles are also welcome. It is assumed that the submission of a manuscript to the WTR signals that it has not been, and will not be, submitted elsewhere at the same time. Papers scheduled for future publication in book form will be considered, *provided* they would appear first in the WTR.

Full guidelines for contributors regarding the length, organization and reference format of submissions are available on the journal's homepage at the Cambridge University Press website <cambridge.org/wtr>.

Letters to the Editor

The World Trade Review welcomes letters containing substantive comments on published material. Letters should be submitted via the website above. Letters selected for publication are subject to editing.

Books for review

Books for review in the journal should be mailed to:
Jan Bohanes, Counsel, Advisory Centre on WTO Law, Avenue Giuseppe Motta 31-33, 1211 Geneva.
Email: jan.bohanes@acwl.ch

Special Issue: WTO Case Law

Guest Editors: Chad P. Bown and Petros C. Mavroidis

CONTENTS

- 383 **Is this the End?: The WTO Case Law of 2019**
CHAD P. BOWN AND PETROS C. MAVROIDIS
- 389 **China – Domestic Support for Agricultural Producers: One Policy, Multiple Parameters Imply Modest Discipline**
DUKGEUN AHN AND DAVID ORDEN
- 405 ***China – Tariff Rate Quotas for Certain Agricultural Products. Against the Grain: Can the WTO Open Chinese Markets? A Contaminated Experiment***
JOSEPH GLAUBER AND SIMON LESTER
- 421 **What If? Tinkering with the Counterfactual: A Comment on US–Washing Machines (Article 22.6-US)**
EDWARD J. BALISTRERI, PETROS C. MAVROIDIS, AND THOMAS J. PRUSA
- 436 **‘Two Roads Diverged in [Soft]wood’ Targeted Dumping, Differential Pricing Methodology, and Zeroing: US – Canada Anti-Dumping in Softwood Lumber**
EUGENE BEAULIEU AND JANET WHITTAKER
- 450 **Making Sense of the Arbitrator’s Ruling in DS 316, EC and Certain Member States – Measures Affecting Trade in Large Civil Aircraft (Article 22.6-EC): A Jigsaw Puzzle with (at Least) a Couple Missing Pieces**
PETROS C. MAVROIDIS AND KAMAL SAGGI
- 466 **Article 21.5 DSU Appellate Body Report *United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint)*: Spillovers from Defense R&D Add to the Tug-of-War between Panels and the WTO Appellate Body**
JENNIFER A. HILLMAN AND KARA M. REYNOLDS
- 479 **Australia – Anti-Dumping Measures on A4 Copy Paper: Opening a Door to More Anti-Dumping Investigations**
ANTONIA ELIASON AND MATTEO FIORINI

- 491 ***Nihil novi sub sole: The Need for Rethinking WTO and Green Subsidies in Light of United States – Renewable Energy***
DOUGLAS NELSON AND LAURA PUCCIO
- 509 ***Under Pressure: Intractable Trade Conflicts and Korea – Pneumatic Valves***
KRISTY BUZARD AND KATHLEEN CLAUSSEN
- 524 ***Fishy SPS Measures? The WTO’s Korea – Radionuclides Dispute***
RACHEL BREWSTER AND CAROLYN FISCHER
- 533 ***Establishing a New Role for Antidumping Policy: Protection of an Unestablished Industry (Morocco–Hot-Rolled Steel (Turkey))***
MEREDITH A. CROWLEY AND FEDERICO ORTINO
- 546 ***United States – Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China: Re-Litigating through the Backdoor?***
CHRISTINE MCDANIEL AND EDWIN VERMULST
- 556 ***How Do You Solve a Problem Like Maria? US – Countervailing Measures (China) (21.5)***
DOUGLAS NELSON
- 566 ***‘Where Have all the Distortions Gone?’ Appellate Body Report, Ukraine–Ammonium Nitrate***
CRISTINA HERGHELEGIU AND LUCA RUBINI
- 582 ***Separating the Political from the Economic: The Russia–Traffic in Transit Panel Report***
PRAMILA CRIVELLI AND MONA PINCHIS-PAULSEN
- 606 ***Leveling the Playing Field: Industrial Policy and Export-Contingent Subsidies in India–Export Related Measures***
SWATI DHINGRA AND TIMOTHY MEYER