

DS 316 WTO Panel Subsidy Findings – Win / Loss Analysis

The US challenged 71 distinct subsidies. The US prevailed on 52 of them -- 73% of the total.

*Included among the 52 on which the US prevailed are grants made under five EC Framework Programmes. These individual grants number in the hundreds. The panel considered the grants separately in deciding whether each violated the Subsidies Agreement. In the below win / loss analysis, if these hundreds of Framework Programmes grants were likewise considered individually, the percentage of claims on which the US prevailed would be **far** higher still than the 73% figure set out above.*

Set out below are the specific subsidy claims the US made and the Panel’s verdict on each:

Subsidy		US Prevailed: WTO-Inconsistent Subsidy Finding ¹	US Claim Rejected: No WTO-inconsistent Subsidy
Launch Aid	A380 (France)	√	
	A380 (Germany)	√	
	A380 (Spain)	√	
	A380 (UK)	√	
	A340-500/600 (France)	√	
	A340-500/600 (Spain)	√	
	A330-200 (France)	√	
	A330/340 (France)	√	
	A330/340 (Germany)	√	
	A330/340 (Spain)	√	
	A330/340 (UK)	√	
	A320 (France)	√	

¹ WTO-inconsistent subsidies are either subsidies that are ‘prohibited’ *per se* or those that are ‘actionable’ and where the Panel has found ‘adverse effects’ to the interests of the United States.

Subsidy		US Prevalled: WTO-Inconsistent Subsidy Finding ¹	US Claim Rejected: No WTO-inconsistent Subsidy
	A320 (Germany)	√	
	A320 (Spain)	√	
	A320 (UK)	√	
	A300/310 (France)	√	
	A300/310 (Germany)	√	
	A300/310 (Spain)	√	
	The existence of an A350 Launch Aid commitment in <u>July 2005</u>		X
Infrastructure	Hamburg (Muhlenberger Loch)	√	
	Bremen runway extension	√	
	Toulouse (AeroConstellation site)	√	
	Toulouse area road improvements		X
	Nordenham, Germany facility grant	√	
	Broughton, Wales regional subsidy		X
	Spanish government Tablada, Sevilla grant	√	
	Spanish government San Pablo, Sevilla grant	√	
	Spanish government Illescas, Toledo grant	√	
	Spanish government Puerto de Santa Maria grant	√	
Spanish government Puerto Real facility grant	√		

Subsidy		US Prevailed: WTO-Inconsistent Subsidy Finding ¹	US Claim Rejected: No WTO-inconsistent Subsidy
	Spanish government La Rinconada grant	√	
	Spanish government Sevilla grant	√	
	Andalusian government Puerto de Santa Maria grant		X
	Andalusian government Puerto Real grant	√	
	Andalusian government Sevilla grant	√	
	Castilla-La Mancha grant	√	
German Capital Measures	1989 KfW equity acquisition in Deutsche Airbus	√	
	1992 transfer by KfW of its stake in Deutsche Airbus	√	
	1998 German Debt Settlement		X
French Equity Infusions	1987 French government equity infusion	√	
	1988 French government equity infusion	√	
	1992 French government equity infusion	√	
	1994 French government equity infusion	√	
	1998 French government share transfer	√	
RT&D	Second EC Framework Programme*	√	
	Third EC Framework	√	

* Each Framework Programme includes multiple individual grants to Airbus. Thus, the number of actual claims on which the US prevailed is far higher than the five Framework Programmes listed above.

Subsidy		US Prevailed: WTO-Inconsistent Subsidy Finding ¹	US Claim Rejected: No WTO-inconsistent Subsidy
	Programme*		
	Fourth EC Framework Programme*	√	
	Fifth EC Framework Programme*	√	
	Sixth EC Framework Programme*	√	
	French government R&D grants between 1986 and 1993	√	
	French government R&D grants between 1994 and 2005	√	
	German federal government grants under LuFo I, LuFo II and LuFo III programmes	√	
	Further German government commitment under the LuFo III programme		X
	German sub-federal government grants from the Bavarian authorities	√	
	German sub-federal government grants from the Bremen authorities	√	
	German sub-federal government grants from the Hamburg authorities	√	
	Spanish government RT&D loans under the PROFIT and PTA programmes	√	
	UK RT&D grants under the CARAD and ARP programmes	√	
	UK TP programme grants		X

Subsidy		US Prevailed: WTO-Inconsistent Subsidy Finding ¹	US Claim Rejected: No WTO-inconsistent Subsidy
European Investment Bank (EIB) Loans	EIB 2002 credit facility for the A380		X
	1993 Aerospatiale Super Transporteurs loan (No. 6832/FR)		X
	1988 Aerospatiale loan (No. 13764/FR)		X
	1992 Aerospatiale loan (No. 16086)		X
	1988 British Aerospace loan (No. 13588/UK)		X
	1989 BAE loan (No. 13802/UK)		X
	1990 British Aerospace loan (No. 14999/UK)		X
	1991 British Aerospace loan (No. 15119/UK)		X
	1989 CASA loan (No. 14081/ES)		X
	1990 CASA loan (No. 1.4711/ES)		X
	1990 CASA loan (No. 1.4712/ES)		X
	1990 Airbus Industrie loan (No. 15007)		X

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