X.   Findings and Conclusions

165.   For the reasons set out in this Report, the Appellate Body:

(a)   <u>reverses</u> the Panel's finding, in paragraphs 7.143, 7.145, and 8.1(c) of the Panel Report, that simple zeroing in periodic reviews is not, as such, inconsistent with Articles VI:1 and VI:2 of the GATT 1994 and Articles 2.1, 2.4, and 9.3 of the *Anti-Dumping Agreement*; and <u>finds</u>, instead, that simple zeroing in periodic reviews is, as such, inconsistent with Article VI:2 of the GATT 1994 and Article 9.3 of the *Anti-Dumping Agreement*;

(b)   <u>reverses</u> the Panel's finding, in paragraphs 7.149 and 8.1(d) of the Panel Report, that the United States did not act inconsistently with Articles VI:1 and VI:2 of the GATT 1994 and Articles 2.1, 2.4, and 9.3 of the *Anti-Dumping Agreement*; and <u>finds</u>, instead, that the United States acted inconsistently with Article VI:2 of the GATT 1994 and Article 9.3 of the *Anti-Dumping Agreement* by applying simple zeroing in the five periodic reviews at issue in this dispute;

(c)   <u>finds</u> it unnecessary, for purposes of resolving this dispute, to make an additional finding on Mexico's claim that simple zeroing in periodic reviews is, as such, and as applied in the five periodic reviews at issue in this dispute, inconsistent with Article 2.4 of the *Anti-Dumping Agreement*, and on Mexico's related claim under Article 11 of the DSU; and

(d)   <u>does not make</u> an additional finding that the Panel failed to discharge its duties under Article 11 of the DSU by making findings that contradict those in previous Appellate Body reports adopted by the DSB.

166.   The Appellate Body recommends that the DSB request the United States to bring its measures, found in this Report, and in the Panel Report as modified by this Report, to be inconsistent with the GATT 1994 and with the *Anti-Dumping Agreement*, into conformity with its obligations under those Agreements.

Signed in the original in Geneva this 4th day of April 2008 by:

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A.V. Ganesan

Presiding Member

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Lilia R. Bautista   Giorgio Sacerdoti

Member   Member