

VIII. CONCLUSIONS AND RECOMMENDATIONS

8.1 On the basis of the above findings, we conclude that:

- (a) Model zeroing in investigations "as such" is inconsistent with Article 2.4.2 of the Anti-Dumping Agreement,
- (b) The USDOC acted inconsistently with Article 2.4.2 of the Anti-Dumping Agreement in the investigation on *Stainless Steel Sheet and Strip in Coils from Mexico* by using model zeroing,
- (c) Simple zeroing in periodic reviews is "as such" not inconsistent with Articles VI:1 and VI:2 of the GATT 1994 and Articles 2.1, 9.3 and 2.4 of the Anti-Dumping Agreement,
- (d) The USDOC did not act inconsistently with Articles VI:1 and VI:2 of the GATT 1994 and Articles 2.1, 9.3 and 2.4 of the Anti-Dumping Agreement by using simple zeroing in the five periodic reviews on *Stainless Steel Sheet and Strip in Coils from Mexico*.

8.2 We have applied judicial economy with regard to:

- (a) Mexico's claims under Articles VI:1 and VI:2 of the GATT 1994 and Articles 2.1, 2.4 and 18.4 of the Anti-Dumping Agreement and Article XVI:4 of the WTO Agreement regarding model zeroing in investigations,
- (b) Mexico's claims under Article XVI:4 of the WTO Agreement and Article 18.4 of the Anti-Dumping Agreement regarding simple zeroing in periodic reviews.

8.3 We recommend that the DSB request the United States to bring its measure mentioned in paragraph 8.1(b) above into conformity with its obligations under the WTO Agreement. We have made no recommendation regarding model zeroing in investigations "as such" because, as mentioned in para. 7.50 above, we have found that the USDOC stopped using it during these dispute settlement proceedings.

8.4 Mexico asks the Panel to suggest that the United States implement the DSB recommendations and rulings in this dispute in respect of its "as such" claims by eliminating *Model Zeroing Procedures* and *Simple Zeroing Procedures*. In addition, Mexico asks the Panel to suggest that the United States eliminate zeroing from the five periodic review results subject to these proceedings. Mexico does not seek a suggestion with regard to the investigation on *Stainless Steel Sheet and Strip in Coils from Mexico* by requesting the revocation of the anti-dumping duty.¹⁰⁸ The United States notes that a suggestion is not essential to the resolution of a dispute in the WTO dispute settlement system. According to the United States, a Member is free to choose the means to implement the DSB recommendations and rulings. In a case like this where the same measure is subject to other implementation processes, making a suggestion may cause complications over such processes. The United States therefore asks the Panel to reject Mexico's request for a suggestion.

8.5 We note that by virtue of Article 19.1 of the DSU, a panel has discretion to ("may") suggest ways in which a Member could implement the recommendation that the Member concerned bring the

¹⁰⁸ Response of Mexico to Question 16 from the Panel Following the First Meeting.

measure into conformity with the covered agreement in question. Having made no recommendations to the DSB on Mexico's claims with respect to which Mexico seeks a suggestion, however, we cannot, and do not, make any suggestion under Article 19.1 of the DSU in these proceedings.
