

## **8 CONCLUSIONS AND RECOMMENDATION(S)**

8.1. We recall that after consulting with the parties, the Panels decided to issue their Reports in a single document, with the understanding that the final sections on conclusions and recommendations would be printed on separate pages with the relevant DS symbol. Accordingly, we provide two separate sets of conclusions and recommendations, with separate symbols for each complainant (WT/DS381/RW/USA for the United States and WT/DS381/RW/2 for Mexico).

### **8.1 Proceedings brought by the United States: Conclusions and Recommendations**

8.2. With respect to the United States' claim under Article 2.1 of the TBT Agreement, the Panel concludes that the 2016 Tuna Measure is not inconsistent with Article 2.1 of the TBT Agreement.

8.3. With respect to the United States' defence under Article XX of the GATT 1994, the Panel concludes that the 2016 Tuna Measure is justified under Article XX(g) of the GATT 1994, and meets the requirements of the chapeau of Article XX of the GATT 1994.

8.4. The Panel therefore considers that the United States has implemented the recommendations and rulings of the DSB in *US – Tuna II (Mexico)* and *US – Tuna II (Mexico) (Article 21.5 – Mexico)* to bring its measure into conformity with its obligations under the WTO Agreement.

8.5. Having found that the United States has not acted inconsistently with its obligations under the WTO Agreement, the Panel considers that no recommendation under Article 19.1 of the DSU is necessary, and makes none.

## **8.2 Proceedings brought by Mexico: Conclusions and Recommendations**

8.6. With respect to Mexico's claim under Article 2.1 of the TBT Agreement, the Panel concludes that the 2016 Tuna Measure is not inconsistent with Article 2.1 of the TBT Agreement.

8.7. With respect to Mexico's claims under the GATT 1994, the Panel concludes that the 2016 Tuna Measure is inconsistent with Articles I:1 and III:4 of the GATT 1994, but that it is justified under Article XX(g) of the GATT 1994, and meets the requirements of the chapeau of Article XX of the GATT 1994.

8.8. The Panel therefore considers that the United States has implemented the recommendations and rulings of the DSB in *US – Tuna II (Mexico)* and *US – Tuna II (Mexico) (Article 21.5 – Mexico)* to bring its measure into conformity with its obligations under the WTO Agreement.

8.9. Having found that the United States has not acted inconsistently with its obligations under the WTO Agreement, the Panel considers that no recommendation under Article 19.1 of the DSU is necessary, and makes none.

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