

VIII. CONCLUSIONS AND RECOMMENDATION

8.1 In the light of the above findings, we conclude that the United States acted inconsistently with the first sentence of Article 2.4.2 of the Anti-Dumping Agreement by using the zeroing methodology in calculating certain margins of dumping in the three investigations involving Korean products. Consequently, the final determinations, amended final determinations, anti-dumping duty orders and amended anti-dumping duty orders at issue are inconsistent with Article 2.4.2, first sentence.

8.2 Under Article 3.8 of the DSU, in cases where there is an infringement of the obligations assumed under a covered agreement, the action is considered *prima facie* to constitute a case of nullification or impairment of benefits under that agreement. Accordingly, we conclude that, to the extent the United States has acted inconsistently with the provisions of the Anti-Dumping Agreement, it has nullified or impaired benefits accruing to Korea under that Agreement. We therefore recommend that the DSB request the United States to bring its measures into conformity with its obligations under the Anti-Dumping Agreement.
