



them from the application of the definitive anti-dumping measure, and, therefore, acted inconsistently with Article 5.8 of the *Anti-Dumping Agreement*;

- (ii) finds that the Panel did not exceed its terms of reference in concluding, in paragraphs 7.168 and 8.3(b) of the Panel Report, that Economía calculated a

- (iv) upholds the Panel's findings, in paragraphs 7.242 and 8.5(b) of the Panel Report, that Article 64 of the FTA is inconsistent, as such, with Article 6.8 of the *Anti-Dumping Agreement*, paragraphs 1, 3, 5, and 7 of Annex II thereto, and Article 12.7 of the *SCM Agreement*;
- (v) upholds the Panel's findings, in paragraphs 7.251, 7.260, and 8.5(c) of the Panel Report, that Article 68 of the FTA is inconsistent, as such, with Articles 5.8, 9.3, and 11.2 of the *Anti-Dumping Agreement*, and Articles 11.9 and 21.2 of the *SCM Agreement*;
- (vi) upholds the Panel's findings, in paragraphs 7.269 and 8.5(d) of the Panel Report, that Article 89D of the FTA is inconsistent, as such, with Article 9.5 of the *Anti-Dumping Agreement* and Article 19.3 of the *SCM Agreement*;
- (vii) finds that, in its interpretation of Article 93V of the FTA, the Panel did not fail to fulfil its obligations under Article 11 of the DSU; and
- (viii) upholds the Panel's findings, in paragraphs 7.297 and 8.5(f) of the Panel Report, that Articles 68 and 97 of the FTA, read together, are inconsistent, as such, with Articles 9.3.2 and 11.2 of the *Anti-Dumping Agreement* and Article 21.2 of the *SCM Agreement*.

351. The Appellate Body recommends that the Dispute Settlement Body request Mexico to bring its measures, found in this Report and in the Panel Report as modified by this Report, to be inconsistent with the *Anti-Dumping Agreement* and the *SCM Agreement*, into conformity with its obligations under those Agreements.

Signed in the original in Geneva this 10th day of November 2005 by:

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John Lockhart  
Presiding Member