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Received in strictest confidence from
Department of State.

9/1

R.A.O'Brien
15 December 1982

Mr. Stanton

October 27, 1982

*Pl associate on file
with C536 and review
inform by 7-2-83*

Dear Mr. Commissioner:

Mr. Fred Burns O'Brien and Mr. Anthony Piaaza of the Customs Service visited the Department on October 1 to seek our concurrence on a proposed ruling on country of origin markings on goods from Northern Ireland (correspondence delivered by hand is enclosed).

The Department of State firmly opposes the proposed ruling on several grounds. Firstly, it would be contrary to the spirit of the President's policy on Northern Ireland (March 17 statement enclosed). Further, the governments of both Ireland and the United Kingdom have indicated strong objections to such a move; it is therefore evident that its implementation would needlessly draw the United States into a foreign policy dispute with these governments.

Finally, neither the term "country" employed in Section 304 of the Tariff Act of 1930 nor the term "nation" by which it is defined in 19 C.F.R. Subsection 134.1(a) carries the precise legal meaning of "independent recognized state". It is therefore reasonable to interpret the statutory language as leaving open the possibility of employing the marking "Ireland" to include goods from Northern Ireland. Even though the latter is not legally recognized by the United States as part of the State of Ireland, there is no legal impediment to including it in the looser concept of the "country" or "nation" of Ireland for purposes of Section 304, as has been the practice in the past. In any case, there is no legal basis for a separate marking of "Northern Ireland", as that designation refers neither to a country, a nation, or an independent state.

The Honorable
William von Raab,
Commissioner of Customs,
U.S. Customs Service,
1301 Constitution Avenue, N. W.
Washington, D. C.

(2)

† If the Customs Service should decide to proceed further with the proposed ruling, the Department would appreciate being so advised so that we may review this matter with you in greater detail.

Sincerely,

Richard Burt, Designate

Enclosures:

1. President's March 17 Statement
2. Customs Service Correspondence



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
WASHINGTON



REFER TO
CO:R:E/AP

7005
566-8467/8

Mr. Michael Barry
Department of State
201 C Street NW.
Washington, D.C. 20520

Re: Proposed country of origin marking on goods from Northern Ireland

Dear Mr. Barry:

Enclosed is a copy of our proposed ruling on country of origin marking on goods from Northern Ireland. We would appreciate having your comments and concurrence on this particular ruling.

Sincerely,

Anthony L. Piazza
Deputy Director, Entry Procedures
and Penalties Division

Enclosure



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
WASHINGTON



REFER TO

MAR 2-05 CO:R:E:E
720018 FBO

This ruling concerns the country of origin marking requirements for goods manufactured or produced in Northern Ireland.

ISSUE:

Whether the administrative practice of permitting "Ireland" as a country designation for goods manufactured or produced in Northern Ireland should be continued.

FACT:

By administrative practice, the United States government has permitted "Ireland" to be used for Northern Ireland for country of origin marking purposes. Presently, Northern Ireland is under the administrative jurisdiction of the United Kingdom, although the Republic of Ireland claims the territory of Northern Ireland under its Constitution as part of the national territory. The ultimate purchaser of a product from Northern Ireland may easily be confused when the article is simply marked "Ireland" rather than "Northern Ireland."

LAW AND ANALYSIS:

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides generally that all articles of foreign origin imported into the United States must be legibly and conspicuously marked to indicate the English name of the country of origin to an ultimate purchaser in the United States. "Country" means the political entity known as a nation. Colonies, possessions, or protectorates outside the boundaries of the mother country are considered separate countries.

The office of the Geographer of the State Department, at the request of Customs, defined Northern Ireland for the determination and designation of country of origin. That response was that "Northern Ireland should be designated as Northern Ireland, United Kingdom or simply United Kingdom. The term 'Ireland' is only applicable as a 'country of origin' designation when applied to the independent political entity of Ireland, also referred to as the "Irish Republic" or "Republic of Ireland." The administrative practice circumvents the law, 19 U.S.C. 1304. The law is intended to protect the ultimate purchaser from being denied knowledge of the country of origin of products from Northern Ireland. When an administrative practice conflicts with a statute, the statute must prevail.

HOLDING:

All goods manufactured or produced in Northern Ireland must be marked UNITED KINGDOM, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND or NORTHERN IRELAND to comply with 19 U.S.C. 1304. Goods manufactured or produced in Northern Ireland can not be marked "Ireland" while under the administrative jurisdiction of the United Kingdom.

Alfred R. De Angelus
Deputy Commissioner