DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 97-16]

Country of Origin Marking of Products From the West Bank and Gaza

AGENCY: U.S. Customs Service, Department of the Treasury

ACTION: Notice of policy.

SUMMARY: This document clarifies T.D. 95-25 by notifying the public that, with respect to imported goods which are produced in the West Bank and Gaza Strip, acceptable country of origin markings consist of "West Bank/Gaza," "West Bank/Gaza Strip," "West Bank and Gaza," and "West Bank and Gaza Strip" as well as "West Bank," "Gaza," or "Gaza Strip."

EFFECTIVE DATE: The position set forth in this document is effective for merchandise entered or withdrawn from warehouse for consumption on or after March 14, 1997.

FOR FURTHER INFORMATION CONTACT: Craig Walker, Special Classification and Listing Branch (202) 482-6980.

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin (or its container) imported into the U.S. shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article. Failure to mark an article in accordance with the requirements of 19 U.S.C. 1304 shall result in the levy of a duty of ten percent ad valorem. Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

T.D. 95-25

T.D. 95-25, published in the Federal Register on April 6, 1995 (60 FR 17607), discussed the proper country of origin marking for imported goods produced in the West Bank and Gaza Strip. Prior to the issuance of the T.D., Customs had taken the position that, in order for the country of origin marking of a good which was produced in the West Bank or Gaza Strip to be considered acceptable, the word "Israel" must appear in the marking designation.

However, by letter dated October 24, 1994, the Department of State advised the Department of the Treasury that, in view of certain developments, principally the Israeli-PLO Declaration of Principles on Interim Self-Government Arrangements (signed on September 13, 1993), the primary purpose of 19 U.S.C. 1304 would be best served if goods produced in the West Bank and Gaza Strip were permitted to be marked "West Bank" or "Gaza Strip."

Accordingly, as Customs has previously relied upon advice received from the Department of State in making determinations regarding the "country of origin" of a good for marking purposes, Customs notified the public in T.D. 95-25 that, unless excepted from marking, goods produced in the West Bank or Gaza Strip shall be marked as "West Bank," "Gaza," or "Gaza Strip."

The T.D. further stated that the country of origin markings of such goods shall not contain the words "Israel," "Made in Israel," "Occupied Territories-Israel," or words of similar meaning.

Clarification

Subsequent to the issuance of T.D. 95-25, the Israeli-Palestinian Interim Agreement was signed, granting additional powers and responsibilities to the Palestinian Authority. In addition, an amendment to the United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note) enacted on October 3, 1996, authorized the President to proclaim duty-free treatment to products of the West Bank and Gaza Strip. Such duty-free treatment was implemented by Presidential Proclamation 6955 dated November 13, 1996, effective for products of the West Bank and Gaza Strip entered or withdrawn from warehouse for consumption on or after November 21, 1996.

By letter dated January 13, 1997, the Department of State advised the Department of the Treasury that the Palestinian Authority has asked that the U.S. accept the country of origin marking "West Bank/Gaza" so as to reaffirm the territorial unity of the two areas. The Department of State further advised that it considers the West Bank and Gaza Strip to be one area for political, economic, legal, and other purposes. Accordingly, the Department of State requested that Customs accept the country of origin markings "West Bank/Gaza," and the government of the Palestinian Authority has requested that the marking "West Bank/Gaza Strip" be used.

In this document, Customs clarifies the position set forth in T.D. 95-25 by notifying the public that, with respect to imported goods which are produced in the West Bank and Gaza Strip, acceptable country of origin markings consist of "West Bank/Gaza," "West Bank/Gaza Strip," "West Bank and Gaza," and "West Bank and Gaza Strip."
Bank/Gaza” and “West Bank and Gaza” for products from those areas, and that Customs continue to accept the markings “West Bank,” “Gaza” and “Gaza Strip.”

Pursuant to the request of the Department of State, this document notifies the public that acceptable country of origin markings for goods produced in the territorial areas known as the West Bank or Gaza Strip consist of the following: “West Bank/Gaza,” “West Bank/Gaza Strip,” “West Bank and Gaza,” “West Bank and Gaza Strip,” “Gaza,” and “Gaza Strip.” The position stated in this document is effective for merchandise which is entered or withdrawn from warehouse for consumption on or after the date of publication in the Federal Register.


Stuart P. Seidel,
Assistant Commissioner, Office of Regulations and Rulings.

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Revocation of Customs Broker License

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker license without prejudice.

<table>
<thead>
<tr>
<th>Port</th>
<th>Individual</th>
<th>License No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago</td>
<td>William J. Naumes</td>
<td>2835</td>
</tr>
<tr>
<td>New York</td>
<td>SAF Customs Brokers, Inc.</td>
<td>10774</td>
</tr>
<tr>
<td>Houston</td>
<td>Saratoga Forwarding Co., Inc.</td>
<td>7589</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>Dorf International, Inc.</td>
<td>668</td>
</tr>
</tbody>
</table>

Philip Metzger,
Director, Trade Compliance.

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Revocation of Customs Broker License

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given that on October 28, 1996, the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker license with prejudice.

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<tr>
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<tbody>
<tr>
<td>Houston</td>
<td>Misoon Wada ...</td>
<td>7846</td>
</tr>
<tr>
<td>Houston</td>
<td>Amex Transworld, Inc.</td>
<td>10890</td>
</tr>
</tbody>
</table>

Philip Metzger,
Director, Trade Compliance.