

IRELAND - CUSTOMS CLASSIFICATION  
OF CERTAIN COMPUTER EQUIPMENT

Request for Consultations by the United States

The following communication, dated 14 February 1997, from the Permanent Mission of the United States to the Permanent Mission of Ireland and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

---

My authorities have instructed me to request consultations with the Government of Ireland pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and Article XXII:1 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994") regarding tariff reclassification by the customs authorities of Ireland of Local Area Network ("LAN") equipment.

Since June 1995, customs authorities in Ireland have been applying tariffs to imports of Lan equipment in excess of those provided for in the European Communities' Schedules ("EC Schedules") under the GATT 1994. Those products were previously dutiable as automatic data processing equipment under category 8471, but, as a result of the customs authorities' actions, are now subject to the higher tariff rates applicable to category 8517, "telecommunications apparatus". The result has been to raise the tariff applied to imports of such products into Ireland from 3.5 per cent to 7.5 per cent, which is above the rate provided for in the EC Schedules.

As a result of these measures, the United States considers that its commerce has been accorded treatment less favourable than that provided for in the EC Schedules, in contravention of the obligations of Ireland under Article II of the GATT 1994. In addition, the application of these measures by Ireland nullifies or impairs, within the meaning of GATT Article XXIII:1, benefits accruing to the United States directly or indirectly under the GATT 1994. The United States reserves the right to raise additional factual claims and legal matters during the course of the consultations.

We look forward to receiving your reply to this request and fixing a mutually convenient time for consultations.