



GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI

The Collectors of Customs, Model Customs Collectorates, Appraisement (East / West) / Port Qasim / Export (Karachi/Port Qasim)/ Preventive, Karachi / Lahore (Appraisement / Preventive) / Sambrial (Sialkot) / Faisalabad / Multan / Islamabad /Hyderabad/ Quetta / Peshawar/ Gawadar/ Gilgit-Baltistan.

DETERMINATION OF CUSTOMS VALUE OF POTATO CHIPS UNDER SECTION 25-A OF THE CUSTOMS ACT, 1969

1115

(VALUATION RULING NO./2017)

No. Misc/72/2016-1/887

Dated: 29-03-2017

In exercise of the powers conferred under Section 25-A of Customs Act, 1969 assessable customs values of imported Chips of various brands are hereby determined as follows:-

2. **Background of the Valuation Issue:** This Directorate General had earlier conducted an audit of the clearance values and during the course of perusal of import clearance data, it was observed that imported chips were being assessed at different and lower values vis-à-vis international trading prices and local market selling prices. Therefore, as an immediate corrective measure the clearance Collectorates was sensitized and this Directorate General issued a database values vide VDB letter 127 dated 16-12-2017 as an additional risk assessment tool, while according clearance to imported Chips. Thereafter, as per the policy in vogue, Valuation Database Reference values are required to be converted into Valuation Ruling. In this context, the Directorate General, valuation initiated an exercise for determination of assessable customs values of imported Chips under section 25A of Customs Act, 1969.

3. **Stakeholders' Participation in Determination of Customs Values:** Meetings for determination of customs values of Chips were held with stakeholders held on 27-02-2017 & 10-03-2017 but none of importers appeared on the said dates of hearings.

4. **Method Adapted to Determine Customs Values:** Valuation methods provided in Section 25 of the Customs Act, 1969 were duly followed and applied sequentially to address the valuation issue at hand. Transaction value method provided in Sub-Section (1) of Section 25 was found inapplicable because the requisite information under the law was not available to arrive at the correct transaction value as the goods were found to be highly under invoiced when compared to international trading prices and also in terms of local selling prices. Furthermore, no invoices found from inside import-containers are reported by clearance Collectorates. Identical / similar goods value method provided in Sub-Sections (5) & (6) of Section 25 ibid were examined for applicability to determine Customs value of subject goods, this data provided some references, however, it was found that the same cannot be solely relied upon due to the absence of absolute demonstrable evidence of qualities, and quantities of commercial level etc., and also it was observed that same importers provide misleading description while declaring goods, as other types and varieties of similar goods to avoid the application of actual trading values. Information available was, hence, found inappropriate. In line with the statutory sequential order of Section 25, this



office then conducted a market inquiry using Deductive Value Method under Sub-Section (7) of the Section 25 of the Customs Act, 1969, however, it was found that the determination of Customs value could not be based solely upon this method either. Therefore, valuation method provided vide Section 25 (8) of Customs Act 1969, could not be applied as the conversion cost from constituent materials and allied expenses, at country of export were are not available. Finally, Pral database, market information and international prices through Web were examined thoroughly. All the information so gathered was analyzed for determination of Customs Value of the subject good. Consequently, the Fall Back Method as provided under section 25(9) of the Customs Act, 1969 was applied to utilize all the above so gathered information, to arrive at assessable customs values of various brands of imported Chips.

5. **Customs Values for Chips:** Chips hereinafter specified shall be assessed to duty /taxes @ following Customs Values:-

Sr. No.	Description of goods	H.S. Code Code	PCT for WEBOC	Origin	Customs Values (C&F) USS/KG
(1)	(2)	(3)	(4)	(5)	(6)
1.	Potato Chips brand Lay's (Various Flavours)	2004.1000	2004.1000.1000	All origin	4.50
2.	Potato Chips brand Pringles (Various Flavours)	2004.1000	2004.1000.1100	All origin	4.25
3.	Potato Chips brand Ligo (Various Flavours)	2004.1000	2004.1000.1200	All origin	2.80
4.	Potato Chips brand Chizzpa (Various Flavours)	2004.1000	2004.1000.1300	All origin	4.00
5.	Potato Chips brand Jacker Potato (Various Flavours)	2004.1000	2004.1000.1400	All origin	5.00
6.	Potato Chips brand Mister Chips (Various Flavours)	2004.1000	2004.1000.1500	All origin	3.00
7.	Potato Chips brand Tiffany (Various Flavours)	2004.1000	2004.1000.1600	All origin	4.00
8.	Potato Chips brand Kettle (Various Flavours)	2004.1000	2004.1000.1700	All origin	5.00



9.	Potato Chips other Brands (Various Flavours)	2004.1000	2004.1000.1800	All origin	4.00
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6. In cases where declared/ transaction values are higher than the Customs values determined in this Ruling, the assessing officers shall apply those values in terms of Sub-Section (1) of Section 25 of the Customs Act, 1969. Furthermore, if subject goods are imported but do not specifically fall under the above provided description then the Collectorate may assess the same under section 25 of the Customs Act, 1969 or may invoke section 81 of Customs Act, 1969. In case of consignments imported by air, the assessing officer shall take into account the differential between air freight and sea freight while applying the Customs values determined in this Ruling.

7. **Validity of this Valuation Ruling:** The values determined vide this Ruling shall be the applicable Customs value for assessment of subject imported goods until and unless it is rescinded or revised by the competent authority in terms of Sub-Sections (4) of Section 25-A of the Customs Act, 1969.

8. **Revision of the value determined vide this Valuation Ruling:** A revision petition may be filed against this Ruling, as provided under Section 25-D of the Customs Act, 1969, within 30 days from the date of issue of this ruling, before the Director General, Directorate General of Customs Valuation, 7th Floor, Custom House, Karachi.

9. The Collectors of Customs may kindly ensure that the values given in the Ruling for the given description of goods are applied by the concerned staff without fail. Any anomaly observed may kindly be brought to the notice of Directorate General immediately. Customs values determined in the ruling are for the description and specification as mentioned herein. PCT Codes are mentioned for illustrative purpose so that valuation ruling values are made accessible to the assessing officer. The assessment shall be finalized on the basis of correct classification after fulfilling requisite formalities related to importability or any other certification required thereon. In addition to this, it is further necessary to verify that there is no mis-declaration of any sort or violation of Import Policy Order or Section 15 of the Customs Act, 1969 or any other law in vogue therein.

10. *This Valuation Ruling is issued in supersession of Valuation Database (VDB) Letter No. 127 dated 16.12.2016.*

(Dr. Wasif Ali Memon)
Director

Copy for information to: -

1. Member (Customs), F.B.R., Islamabad.
2. Director General, Customs Valuation, Custom House, Karachi.
3. Chief Collector of Customs, South (Appraisalment), Custom House, Karachi.
4. Chief Collector of Customs, South (Enforcement), Custom House, Karachi.
5. Chief Collector of Customs (Central), Lahore.
6. Chief Collector of Customs (North), Islamabad.