GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI
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To

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

DETERMINATION OF CUSTOMS VALUES OF REFRIGERATION GASES UNDER SECTION 25-A OF THE CUSTOMS ACT, 1969

(VALUATION RULING NO.570 / 2013)

No.Misc/09/2012-II

Dated: 17th July, 2013

In exercise of the powers conferred under section 25A of the Customs Act, 1969, customs values of Refrigeration Gases are determined as follows : -

1. **Description of the valuation issue** - A reference was received from the then, MCC, PaCCS, Karachi, for the determination of the customs values of Refrigeration Gases so far not covered under any valuation ruling. This prompted an exercise to determine the customs values of these goods.

2. **Methodology adopted to determine customs values** - Valuation methods given in section 25 of the Customs Act, 1969 were examined to ascertain which methods were applicable to the valuation issue in hand in terms of section 25A(1) of the Act. Transactional value method provided in section 25 (1) was found inapplicable because sufficient information with respect to adjustments to be made to the transactional value in terms of section 25 (2) was not available. Identical / similar goods value methods provided in section 25(5) & (6) were examined for applicability to the valuation issue in the instant case which provided some reference values of the subject goods. Findings of the local market enquiry were considered in terms of section 25(7) of the Customs Act, 1969. Since the manufacturers' costs of producing the goods in question in the country of exportation were not available, Computed Value Method as provided in section 25(8) could not be applied for valuation of the aforesaid goods. Consequently, Fall Back Value Method under section 25(9) of the Customs Act, 1969, was applied to arrive at the customs values.

3. **Stakeholders Participation to determine customs values** - Meetings were held with stakeholders to discuss the current international values of refrigeration gases and proposed values given by the importers. The Fall Back Value Method was employed and the evidence furnished by the application of this method was used to determine the following customs values of Refrigeration Gases.

4. **Customs values for Refrigeration Gases** - Refrigeration Gases *hereinafter specified* shall be assessed to duty/ taxes at the following customs values : -

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S.No.	Description of Goods	Specification	PCT Code	Proposed PCT for WeBOC	Origin	Customs Values (US$ per Kg)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Refrigeration Gases		2903.1190	2903.1190.1000		
1.	Refrigeration Gas R-22	Retail Packing	2903.1190	2903.1190.1100	China	US$ 1.75/Kg
		ISO Bulk Tank Packing	2903.3920	2903.3920.1100	China	US$ 1.45/Kg
			2903.3930	2903.3930.1100		
2.	Refrigeration Gas R-134A	Retail Packing	2903.3990	2903.3990.1100	China	US$ 3.80/Kg
		ISO Bulk Tank Packing	2903.7100	2903.7100.1100	China	US$ 3.40/Kg
			2903.7300	2903.7300.1100		
			2903.7910	2903.7910.1100		
			2903.7920	2903.7920.1100		

5. **Validity of this Valuation Ruling** - The customs value determined in this Ruling shall continue to be the applicable customs value for the aforementioned goods till the time this Valuation Ruling is rescinded or revised by the competent authority in terms of section 25A of the Customs Act, 1969. Moreover, this Valuation Ruling applies to cases where declared values are less than the customs values determined in the ruling. *In cases where declared values are more than the customs value determined in the ruling, the concerned assessing officers shall apply such higher values in terms of section 25(1) of the Customs Act, 1969. Moreover, in case of consignments imported by air, if the differential between air freight and sea freight, when taken into account, raises the customs values above those determined in this ruling, the concerned assessing officers shall apply such higher values in terms of section 25(1) of the Customs Act, 1969.*

6. **Remedies against this Valuation Ruling.** The Customs Act, 1969 provides efficacious alternate remedies against this Ruling. Section 25-D provides that any person aggrieved of the Ruling may file a revision petition within 30 days from the date of this Ruling before the Director General, Directorate General of Customs Valuation, 7th Floor, Custom House, Karachi. An appeal against the decision in revision of the Director General can be filed within 60 days of the decision before the Customs Appellant Tribunal under section 194-A (1) (e) of the Customs Act, 1969.

(Muhammad Javed Ghani)
Director

Copy for information to :-

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