



GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI

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

Determination of Customs Values of Energy Drinks Under Section 25-A of the Customs Act, 1969

(VALUATION RULING NO./2018) 1260

No.Misc/07/2013-I/ 227

Dated: February 19, 2018

In exercise of the powers conferred under Section 25-A of the Customs Act, 1969, Customs values of Energy Drinks are determined as follows:

2. **Background of the valuation issue:** Customs Values of various Brands of Energy Drinks from different origins were earlier determined vide Valuation Ruling No. 1203/2017 dated 22.08.2017. Director General Customs Valuation vide Order-in-Revision No. 420/2017 dated 19.12.2017 directed to determine customs value of Non-Carbonated energy drink with brand name Carabao under section 25-A of the Customs Act, 1969. As a stop-gap arrangement, customs value of Carabao Non-Carbonated energy drink were notified vide VDB No.247/2018 dated 1.1.2018. Since the previous Valuation Ruling was almost six months old, it was deemed expedient to re-determine values of Energy Drinks in line with the international price trends. Hence, an exercise was initiated by this Directorate General to determine the customs values afresh.

3. **Stakeholders' participation in determination of Customs values:** A meeting with stakeholders and importers of subject goods was held on 07.02.2018. The commercial importers contended that since the subject goods are mainly sold at Super and General Stores, therefore, a lot more expenses (breakage due to shifting from place to place, expiry, marketing expenses) etc. are incurred thus increasing their retail prices. M/s IBL Operations, importer of Red Bull energy drinks from Austria contended that the values fixed vide the existing ruling are already on the higher side and requested for the acceptance of their declared value. M/s AFU International and M/s Hakimzay International also requested for downward revision of the existing Valuation Ruling. The view point of all stakeholders was considered before arriving at customs values of Energy Drinks.

4. **Method adopted 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. The transaction value method as provided in Sub-Section (1) of Section 25, was found inapplicable in light of the wide variety of invoices submitted at import stage, the veracity of which could not be ascertained fully, hence requisite information required under law was not available to arrive at the correct transaction value. Identical / Similar goods value methods provided in Sub-Sections (5) & (6) of Section 25 ibid were examined for applicability to determine Customs value of the subject goods. This data provided some references, however, it was found that the same cannot be solely relied upon due to variation in the same. In line with the statutory sequential order of Section 25, this



office then conducted market inquiries using deductive value method under Sub-Section (7) of Section 25 of the Customs Act, 1969 and determined Customs Values of Energy Drinks.

5. Customs values for Energy Drinks: Energy Drinks hereinafter specified shall be assessed to duty and taxes at the following Customs Values:

S. No	Names of Brands	PCT Code	Proposed PCT for WEBOC	Origin	Customs Values (C&F) US\$/Litre
(1)	(2)	(3)	(4)	(5)	(6)
1.	Epic	2202.1010	2202.1010.1000	Austria	1.25
2.	Power Horse	2202.1010	2202.1010.1100	Austria	1.40
3.	Red Bull (Silver and Blue cans)	2202.1010	2202.1010.1200	Austria	1.60
4.	Carabao	2202.1010	2202.1010.1300	Thailand	0.80
5.	Rock star	2202.1010	2202.1010.1400	United Kingdom	1.40
6.	Explosions	2202.1010	2202.1010.1500	United Kingdom	1.71
7.	Irn Bru	2202.1010	2202.1010.1600	United Kingdom	1.00
8.	Boost	2202.1010	2202.1010.1700	United Kingdom	1.01
9.	Lucozade	2202.1010	2202.1010.1800	United Kingdom	1.10
10.	Mad Croc	2202.1010	2202.1010.1900	Netherland	0.97
11.	Carrefour	2202.1010	2202.1010.2000	Netherland	1.42
12.	Speed	2202.1010	2202.1010.2100	Netherland	1.46
13.	She-Beauty	2202.1010	2202.1010.2200	Poland	1.34
14.	Backer	2202.1010	2202.1010.2300	Korea	0.83
15.	Effect	2202.1010	2202.1010.2400	Germany	2.40
16.	Ginseng	2202.1010	2202.1010.2500	Korea	0.80
17.	Red Line	2202.1010	2202.1010.2600	Korea	0.83
18.	Monster	2202.1010	2202.1010.2700	United Kingdom	1.21
19.	Bison	2202.1010	2202.1010.2800	South Africa	0.92
20.	Big	2202.1010	2202.1010.2900	Poland	1.09
21.	Power Cell	2202.1010	2202.1010.3000	U.A.E	0.97
22.	Best in Drink	2202.1010	2202.1010.3100	United Kingdom	0.92
23.	Red Impala	2202.1010	2202.1010.3200	Thailand	0.81
24.	Code Red	2202.1010	2202.1010.3300	Saudi Arabia	0.90
25.	Relentless	2202.1010	2202.1010.3400	Ireland	1.00
26.	Tiger Pro	2202.1010	2202.1010.3500	Saudi Arabia	0.90
27.	Boom Boom	2202.1010	2202.1010.3600	Saudi Arabia	0.90
28.	Booster	2202.1010	2202.1010.3700	U.A.E	0.99
29.	Other	2202.1010	2202.1010.3800	USA/Europe /Australia	1.55
		2202.1010	2202.1010.3900	Other Origin	1.35



NON CARBONATED ENERGY DRINKS					
30.	Fighter Buffalo	2202.9900	2202.9900.1000	Vietnam	1.00
31.	Red Bull (Golden Can)	2202.9900	2202.9900.1100	Thailand	0.74
32.	Dragon	2202.9900	2202.9900.1200	South Africa	0.80
33.	Carabao	2202.9900	2202.9900.1300	Thailand	0.72
34.	Other	2202.1010	2202.1010.1400	USA/Europe /Australia	1.20
		2202.1010	2202.1010.1500	Other Origin	1.10

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 and the same may be communicated to this Directorate General forthwith. In case of consignments imported by air, the assessing officer shall take into account the air 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 issuance 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 this Directorate General immediately. Custom 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 office. The assessment shall be finalized on the bases 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 Ruling supersedes Valuation Ruling No.1203/2017, dated 22-08-2017 and VDB 247/2018 dated 1-1-2018.**


(Muhammad Iqbal Muneeb)
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 (Appraisal), Custom House, Karachi.
4. Chief Collector of Customs, South (Enforcement), Custom House, Karachi.

19/12/18