



GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL CUSTOMS VALUATION
CUSTOM HOUSE KARACHI

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

DETERMINATION OF CUSTOMS VALUES OF BUTYL ACRYLATE UNDER SECTION 25-A OF THE CUSTOMS ACT, 1969

(VALUATION RULING NO. 806/2016)

No.Misc/06 /2016- II

Dated: 22nd January, 2016.

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

2. **Background of the valuation issue:** It was brought to the notice of the Directorate General of Customs Valuation that Butyl Acrylate was being imported at under invoiced values. This prompted an exercise to correctly determine the customs values of Butyl Acrylate by this Directorate General under section 25A of the Customs Act, 1969.

3. **Stakeholder's participation in determination of Customs values:** Meeting with the stakeholders was held on 21-01-2016. It was attended by commercial importers as well as local manufacturers of chemical industries and office bearers/representatives of Pakistan Chemical Dyes Merchants Association (PCDMA) and the Chairman, Standing Committee on Customs Valuation. The FPCC&I, Karachi. Though the participants as well as the Association, namely, Pakistan Chemicals & Dyes Merchants Association, were requested to provide documents like Copies of contracts made/LC's, Sales Tax Invoices, to substantiate their contention of decrease in market prices, yet they did not provide required documents during the meeting. However, one importer submitted the internet prices. Again during the meeting the participants were requested to (i) submit invoices of imports made during last three months showing factual value, (ii) Websites, names and E-mail addresses of known foreign manufacturer of the items in question through which the actual current value can be ascertained. (iii) Copies of Contracts made/LCs opened during the last three months showing the value of item in question and (iv) Copies of Sales Tax Invoices issued during last four months showing the difference in prices to substantiate that the benefit of difference in prices was passed on to the local buyers.

4. The importers were adamant not to submit any document especially Sales Tax Invoices along with their monthly sales tax returns to ascertain truthfulness and accuracy of their contention regarding decline in prices in the international market. They were also informed that maintenance of Sales Tax Invoices and monthly returns is mandatory under the Sales Tax Law on each taxpayer, therefore, they should not be hesitant to submit them to the Customs Department as the Customs has authority in terms of Sub-section (11) of Section 25 of the Customs Act, 1969, to call any document to satisfy about the truthfulness of accuracy of any information or declaration made to Customs for Valuation purpose. Moreover, they were informed that Sales Tax Invoices were authentic documents to show the price on which the goods are traded and a document for working out the actual C&F price with work-back method in case determination of value is done under Sub-Section (7) of Section 25 of the Customs Act, 1969. Since they were not forthcoming to furnish the complete documents including Sales Tax



documents on one excuse or the other and the matter was lingering on, it was decided to proceed on merit in the light of available record as well as local market inquiry conducted.

5. **Method adopted to determine customs values:** Valuation methods given in Section 25 of the Customs Act, 1969 were applied sequentially to address the valuation issue in hand. Transaction value method under Sub-Section (1) of Section 25 of the Act, 1969, was found inapplicable because it is generally known to all that most of the invoices are manipulated/fabricated locally, hence, total reliance thereon cannot be made to ascertain the correct transactional value. Identical goods value Method provided in Section 25 (5) of Section 25 ibid was next examined and was found to be applicable and the same has been applied in this case.

6. **Customs Values of Butyl Acrylate:** Butyl Acrylate hereinafter *specified*, shall be assessed to duty/taxes on the Customs value mentioned against it the Table below: -

S.No.	Description of goods	PCT Heading	Proposed PCT for WeBOC	Origin	Customs Values (C&F) USS/ Kg
(1)	(2)	(3)	(4)	(5)	(6)
1.	Butyl Acrylate	2916.1200	2916.1200.1000	China/Malaysia	1.40
2.	Butyl Acrylate	2916.1200	2916.1200.1100	Saudi Arabia	1.10
3.	Butyl Acrylate	2916.1200	2916.1200.1200	Germany/South Africa	1.45
4.	Butyl Acrylate	2916.1200	2916.1200.1300	All other origins	1.42

7. 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. In case of consignments imported by air, or by land route, the assessing officer shall take into account the differential between air freight or land route transportation charges and sea freight while applying the Customs values determined in this Ruling.
8. **Validity of 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.
9. **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, before the Director General, Directorate General of Customs Valuation, 7th Floor, Custom House, Karachi.
10. 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 for redressal.


(Manzoor Hussain Memon)
Director