

The Collectors of Customs, Collectorates of Customs (Appraisement – West) / Appraisement – East/ Appraisement – Port Muhammad Bin Qasim/ Enforcement/JIAP), Karachi / Hyderabad/ (Appraisement/Enforcement), Quetta/Gawadar/ (Appraisement/Enforcement/AIIA), Lahore/ Appraisement, Faisalabad/ Appraisement, Sambrial (Sialkot)/ Enforcement, Multan / Islamabad / Gilgit-Baltistan / (Appraisement/Enforcement), Peshawar/ Enforcement, Dera Ismail Khan/ Exports (Port Qasim/Custom House, Karachi)/ Transit Trade, Karachi.

DETERMINATION OF CUSTOMS VALUES OF WHEY POWDER AND PERMEATE
WHEY POWDER UNDER SECTION 25A OF THE CUSTOMS ACT, 1969

(VALUATION RULING NO. **1740** / 2023)

No. Misc/18/2010-I/ **1120**

Dated: **31** -01- 2023

In exercise of the powers conferred under Section 25A of the Customs Act, 1969, the Customs values of Whey Powder and Permeate Whey Powder are determined as follows:

Background of the valuation issue: Earlier, the Customs values of Whey Powder and Permeate Whey Powder were determined under Section 25A of the Customs Act, 1969 vide Valuation Ruling No. 1217/2017 dated 12-10-2017. The existing valuation ruling was more than five (05) years old and the Customs value determined therein were not reflective of prevailing international market. Therefore, an exercise has been undertaken by this Directorate to re-determine the same.

2. Stakeholders' participation in determination of Customs values: Meeting was convened on 18.01.2023 which was attended by all the relevant stakeholders. The issues pertaining to the valuation of subject goods were deliberated upon in detail in the afore-referred meeting. It was observed that the de-mineralized whey powder was mostly imported by industrial units for their own consumption. Therefore, it was decided that de-mineralized whey powder be excluded from the purview of the valuation and its assessment would be done, under Section 25 of the Customs Act 1969, by the clearance Collectorates.

3. Analysis / Exercise done to determine Customs Values: Ninety (90) days' clearance data has been retrieved and same has been scrutinized. Subsequently, Market inquiry has been conducted and examined in the light of this Directorate's Office Order No.17/2014 dated 19.03.2014 and in terms of Section 25 (7) read with Section 25 (9) of the Customs Act, 1969.

4. Method (s) adopted to determine Customs values: Valuation methods specified in Section 25 of the Customs Act, 1969, were duly applied in their sequential order to arrive at the Customs value of subject goods. The transaction value method as provided in sub-section (1) of Section 25 of the Customs Act, 1969, was found inapplicable due to absence of information as



required under sub-section (2) of Section 25 of Customs Act, 1969. Therefore, identical/similar goods value methods provided in Section 25(5) & (6) ibid were examined for applicability to determine Customs value of subject goods. The data provided some reference; however, it was found that the same could not be solely relied upon due to absence of absolute demonstrable evidences of quantities and qualities and variation in declaration. Information available was, hence, found incomplete. In line with statutory sequential order of Section 25 of the Customs Act, 1969, this Directorate conducted market survey under sub-section (7) of Section 25 of the Customs Act, 1969. Various Retail/Wholesale markets were visited to observe the actual prices of Whey Powder and Permeate Whey Powder. On the basis of available data/information collected and exercise conducted, the values of Whey Powder and Permeate Whey Powder have been determined under sub-section (7), read with Section 25 (9), of Section 25 of the Customs Act, 1969.

5. Customs values of Whey Powder and Permeate Whey Powder: Whey Powder and Permeate Whey Powder, hereinafter specified, shall be assessed to duty / taxes at the Customs values as per following Table:

Sr. No.	Description of Goods	PCT Code	Proposed PCT for WeBOC	Origin	Customs Values C&F (US\$/Kg) Net Weight
(1)	(2)	(3)	(4)	(5)	(6)
1	Whey Powder	0404.1010	0404.1010.1100	USA	0.90
2			0404.1010.1200	Uruguay/ Argentina	0.70
3			0404.1010.1300	Turkey	0.70
4			0404.1010.1400	Poland	0.725
5			0404.1010.1500	Ukraine	0.71
6			0404.1010.1600	China	0.66
7			0404.1010.1700	Czech Republic	0.70
8			0404.1010.1800	Switzerland	0.78
9			0404.1010.1900	France	1.20
10			0404.1010.2000	Iran (via Sea route)	0.59
11			0404.1010.2100	Iran (via Land route)	0.57
12	Permeate Whey Powder	0404.1010	0404.1010.2200	Iran (via Sea route)	0.44
13			0404.1010.2300	Iran (via Land route)	0.42



6. In cases, where declared 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, the assessing officers shall take into account the difference between air freight and sea freight while applying the Customs values in this Ruling.

7. **Validity of this Valuation Ruling:** This Ruling, containing the Customs values for assessment of subject imported goods, shall be applicable until and unless the same are rescinded or revised by the competent authority in terms of sub-section (4) of Section 25A of the Customs Act, 1969.

8. **Revision of the values determined vide this Valuation Ruling:** If aggrieved, a revision petition may be filed against this ruling as provided under Section 25D of the Customs Act, 1969, within 30 days from the date of its issuance, 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 this Valuation Ruling are applied by the concerned staff without fail. Any anomaly observed may kindly be brought to the notice of this Directorate immediately. Customs values determined in the Ruling are for the description and specification as mentioned in the table above of this Ruling. PCT Codes are mentioned for illustrative purposes so that Valuation Ruling values are made accessible to the assessing officers. The assessment shall be finalized on the basis of correct classification after fulfilling requisite formalities related to importability or any other certifications 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.1217/2017 dated 12-10-2017.***



(Fayaz Rasool Maken)

Director

Copy for information to:

1. The Member Customs (Operations), Federal Board of Revenue, Islamabad.
2. The Director General, Customs Valuation, Custom House, Karachi.
3. The Chief Collector of Customs, Appraisalment (South), Custom House, Karachi.
4. The Chief Collector of Customs, Enforcement (South), Custom House, Karachi.
5. The Chief Collector of Customs, Appraisalment (Central), Custom House, Lahore.
6. The Chief Collector of Customs, Enforcement (Central), Custom House, Lahore.
7. The Chief Collector of Customs (North), Custom House, Islamabad.
8. The Chief Collector of Customs, Baluchistan, Custom House, Quetta.

9. The Chief Collector of Customs, Khyber Pakhtunkhwa, Custom House, Peshawar.
10. The Director General, Intelligence and Investigation (Customs) FBR, Islamabad.
11. The Director General, PCA & Internal Audit, Karachi.
12. The Director General, IOCO, Karachi.
13. The Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad/ Quetta/ Peshawar/ Faisalabad.
14. The Director, Transit Trade, Custom House, Karachi.
15. The Director, Directorate of Customs Valuation, Lahore/Quetta/Peshawar.
16. The Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WeBOC database system.
17. The Chairman (Valuation Committee), FPCC&I, Federation House, Clifton, Karachi.
18. The Chambers of Commerce & Industry, Karachi, Lahore, Islamabad, Hyderabad, Quetta & Peshawar.
19. The Karachi Customs Agents Association, Bohri Road, Karachi.
20. The Webmaster, Federal Board of Revenue, Islamabad.
21. Guard File.

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