

(This Ruling has been revised / superseded vide Valuation Ruling No. 1203/2017 dated 22-08-2017)

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

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

DETERMINATION OF CUSTOMS VALUES OF ENERGY DRINKS (H.S CODE NO. 2202.1010) UNDER SECTION 25-A OF THE CUSTOMS ACT, 1969

(VALUATION RULING No. 922/2016)

No. Misc/07/2013-I

Dated: 31-08-2016

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: The Customs Values of Energy Drinks had been determined under section 25-A of the Customs Act, 1969 vide Valuation Ruling No. 713/2015 dated February 02, 2015. Numerous representations have been received in the Directorate to revise the values keeping in view decreasing trends in the international market therefore, the issue was taken up for redetermination of customs values.

3. Stakeholders' participation in determination of Customs values: Meetings were held on 26-06-2016 and 19-08-2016, with all the stakeholders of subject goods and representatives of clearance Collectorate who participated in the meetings. All the stakeholders strongly contended and requested that the said valuation Ruling may be reviewed in the light of prevailing international market prices. This trend needs to be revised downward, otherwise these products will find their way into market through illegal routes and under the garb of various cargoes. This will create a grey area which will adversely affect the bonafide trade of the country. Therefore, valuation ruling price may be revised to save the commercial genuine importers.

4. Method adopted to determine Customs values: Valuation methods provided in Section 25 of the Customs Act, 1969 were duly applied in their regular sequential order to address the particular valuation issue at hand. The transaction value method as provided in Sub-Section (1) of Section 25, found inapplicable in the light of wide variety of invoices submitted at import stage the veracity of which could not be ascertained. Hence requisite information required under law was not available to arrive at the correct transaction value. Identical / similar goods value method provided vide 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 or absolute demonstrable evidence of qualities, and quantities of commercial level etc., and also it was observed that importers usually provided misleading description while declaring goods, as other types and varieties of similar goods to avoid the application of valuation ruling. 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. In order to assess the value of the goods at uniform prices and to avoid variation on different account, the deductive methodology was applied under section 25(7) of the Customs Act, 1969 to determine the Customs Values Energy Drinks.

6. Customs values for Energy Drinks (H.S. Code: 2202.1010 and 2202.9000): Energy Drinks hereinafter specified shall be assessed to duty / taxes at the following Customs values:

S. No.	Description of goods	PCT Code	Proposed PCT for WEOC	Origins	Customs Values (C&F) US\$ per Liter
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(1)	(2)	(3)	(4)	(5)	(6)
1.	Epic	2202.1010	2202.1010.1000	Austria	US\$ 1.25/Liter
2.	Power Horse	2202.1010	2202.1010.1100	Austria	US\$ 1.27/Liter
3.	Red Bull (Silver & Blue cans)	2202.1010	2202.1010.1200	Austria	US\$ 1.55/Liter
4.	Carabao	2202.1010	2202.1010.1300	Thailand	US\$ 0.81/Liter
5.	Rock star	2202.1010	2202.1010.1400	United Kingdom	US\$ 1.27/Liter
6.	Explosions	2202.1010	2202.1010.1500	United Kingdom	US\$ 1.71/Liter
7.	Irn Bru	2202.1010	2202.1010.1600	United Kingdom	US\$ 0.95/Liter
8.	Boost	2202.1010	2202.1010.1700	United Kingdom	US\$ 1.01/Liter
9.	Lucozade	2202.1010	2202.1010.1800	United Kingdom	US\$ 1.01/Liter
10.	Mad Croc	2202.1010	2202.1010.1900	Netherland	US\$ 1.95/Liter
11.	Carrefour	2202.1010	2202.1010.2000	Netherland	US\$ 1.33/Liter
12.	Speed	2202.1010	2202.1010.2100	Netherland	US\$ 1.46/Liter
13.	She-beauty	2202.1010	2202.1010.2200	Poland	US\$ 1.31/Liter
14.	Backer	2202.1010	2202.1010.2300	Korea	US\$ 1.76/Liter
15.	Effect	2202.1010	2202.1010.2400	Germany	US\$ 1.40/Liter
16.	Ginseng	2202.1010	2202.1010.2500	Korea	US\$ 1.76/Liter
17.	Red Line	2202.1010	2202.1010.2600	Korea	US\$ 1.76/Liter
18.	Monster	2202.1010	2202.1010.2700	United Kingdom	US\$ 1.89/Liter
19.	Bison	2202.1010	2202.1010.2800	South Africa	US\$ 1.86/Liter
20.	Big	2202.1010	2202.1010.2900	Poland	US\$ 1.95/Liter
21.	Power Cell	2202.1010	2202.1010.3000	U.A.E	US\$ 0.89/Liter
22.	Best in Drink	2202.1010	2202.1010.3100	UK	US\$ 0.76/Liter
23.	Other	2202.1010	2202.1010.3200	All origin	US\$ 1.40/Liter
Non carbonated Energy Drink					
24.	Fighter Buffalo	2202.9000	2202.9000.1000	Vietnam	US\$ 0.95/Liter
25.	Red Bull (Golden can)	2202.9000	2202.9000.1100	Thailand	US\$ 0.74/Liter
26.	Dragon	2202.9000	2202.9000.1200	Vietnam	US\$ 0.74/Liter
27.	Other	2202.9000	2202.9000.1200	All origin	US\$ 1.0/Liter

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. 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. The Custom values determined in the Valuation Ruling are for the descriptions and specifications as mentioned herein, HS Codes are mentioned for illustrative purposes so that Valuation Ruling values are made accessible to the assessing officers. The assessment shall be finalized in the correct classifications after fulfilling request formalities relating to importability or other certifications required thereon.

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 (1) or (3) of Section 25-A of the Customs Act, 1969.

8. Revision of the value determined vide this Valuation Ruling: This Valuation Ruling is appealable under the law and a revision petition may be filed against this Ruling, 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 this 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.

10. This ***Ruling supersedes*** Valuation Ruling No. 713/2015, dated 02-02-2015.

(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.
7. Director General, Intelligence and Investigation-FBR, Islamabad.
8. Director General, Audit (Customs & Petroleum), 1st Floor, PT &T Audit Building, Mauj-e-Darya Road, Lahore.
09. Director General, Post Clearance Audit (PCA), Islamabad.
10. Director General, Internal Audit (Customs), Karachi.
11. Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad / Quetta Peshawar / Faisalabad.
12. Director, Directorate of Customs Valuation (Camp Office), Lahore.
13. Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WeBOC database system and deleting Valuation Ruling No. 713/2015, dated 02-02-2015.
14. Chairman (Valuation Committee), FPCC&I, Federation House, Clifton, Karachi.
15. Chambers of Commerce & Industry, Karachi, Lahore, Islamabad, Hyderabad, Quetta & Peshawar.
16. Law Section, Customs Valuation, 7th Floor, Custom House, Karachi.
17. Review Section, Customs Valuation, 7th Floor, Custom House, Karachi.
18. Karachi Customs Agents Group, Bohri Road, Karachi.
19. CHO, Customs Valuation, Custom House, Karachi.
20. Notice Board, Customs Valuation 7th Floor, Custom House, Karachi / MCC, Appraisalment, 1st Floor, Custom House, Karachi.
21. Guard File.