

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 / Appraisement (Lahore) / Preventive (Lahore) / Sambrial (Sialkot) / Faisalabad / Multan / Islamabad / Hyderabad / Quetta / Peshawar / Gawadar / Gilgit-Baltistan

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

(VALUATION RULING No. 938/2016)

No. Misc/29/2012-II (Part-B)

Dated: 26-09-2016

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

2. Background of the valuation issue: The custom values of the subject Chemicals were earlier determined vide Valuation Ruling No 794/2016 dated 15.01.2016. There were several representations from different traders and trade bodies i.e. Pakistan Chemicals and Dyes Merchants Association (PCDMA), for determination of customs value of the chemicals. More over the importers have claimed that the prices of subject chemicals are showing down ward trend in the International market hence existing valuation ruling, which is over seven months old is required to be revised in the light of honorable High Court of Sind, at Karachi's orders dated 10.11.2015 in Constitutional Petition No. D-6918/2015. Since 90 days have passed and a number of representations were received from commercial importers and multi-national companies regarding values determined in the valuation ruling dated 15.01.2016 hence an exercise was initiated to re-determine the values of subject items.

3. Stakeholders' participation in determination of Customs values: Meeting with all the stakeholders including importers, trade bodies i.e. Pakistan Chemicals and Dyes Merchants Association (PCDMA) and representatives from clearance Collectorates, was held on 07.9.2016 to discuss the current international prices of the subject chemicals. The view point of all participants was heard in detail and considered to arrive at Customs value for subject Chemicals.

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 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 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 of 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, however, it was found that the determination of Customs value could not be based solely upon this method either. Therefore, valuation method provided vide Section 25(8) of Customs Act 1969, could not be applied as the conversion cost from constituent materials and allied expenses, at country of export were are not available. Finally, Pral database, market information and international prices through Web were examined thoroughly. All the information so gathered was analyzed for determination of Customs Value of the subject good. Consequently, the Fall Back Method as provided under section 25(9) of the Customs Act, 1969 was applied to arrive assessable customs values of the Chemicals.

5. Customs values for Chemicals: The Chemicals hereinafter specified shall be assessed to duty / taxes at the following Customs Values:-

S. No.	Description of goods	Origin	PCT	Proposed PCT for WEOC	Customs Values (C&F) US\$/Kg
(1)	(2)	(3)	(4)	(5)	(6)
1	BORIC ACID	All origins	2810.0020	2810.0020.1000	0.90
2	ALUMINIUM OXIDE	All origins except China	2818.2000	2818.2000.1000	1.10
3	ALUMINIUM OXIDE	China	2818.2000	2818.2000.2000	0.87
4	CHROMIC ACID/ CHROMIUM TRIOXIDE (ALL GRADES)	All origins excluding North America & Europe	2819.1000	2819.1000.1000	2.50
5	CHROMIC ACID/ CHROMIUM TRIOXIDE (ALL GRADES)	North America & Europe	2819.1000	2819.1000.2000	3.20
6	BARIUM CHLORIDE	China	2827.3900	2827.3900.1000	0.48
7	SODIUM META BISUPHITE	China	2832.1090	2832.1090.1000	0.320
8	SODIUMHEXA META PHOSPHATE (40% & below)	China	2832.1090	2832.1090.2000	0.73
9	SODIUM HEXA META PHOSPHATE (40.1% & above)	China	2832.1090	2832.1090.3000	1.00
10	SODIUM HEXA META PHOSPHATE (Food Grade)	Thailand	2832.1090	2832.1090.4000	1.20
11	BORAXDECAHYDRATE	All origins	2840.1900	2840.1900.1000	0.54
12	BROWN ALUMINIUM OXIDE	China	2818.2000	2818.2000.1000	0.90
13	SODIUM ACID PYROPHOSPHA TE (Food Grade)	China	2835.3900	2835.3900.1000	1.98
14	SODIUM ACID PYROPHOSPHA TE (Food Grade)	Thailand	2835.9000	2835.3900.2000	1.05
15	DIPENTENE/ URINONENE LIMOMENE/ TERPODIENE	China	2902.1920	2902.1920.1000	1.44
16	CHLOROFORM (TRICHLOROMETHANE)	Russia	2903.1300	2903.1300.1000	0.37
17	STEARIC ACID (SINGLE PRESSED)	All origins	3823.1100	3823.1100.1000	0.85
18	STEARIC ACID (TRIPLE PRESSED)	All origins	3823.1100	3823.1100.2000	1.01
19	MONO ETHYLENE GLYCOL (MEG)	All origins except Iran	2905.3100	2905.3100.1000	0.80
20	MONO ETHYLENE GLYCOL (MEG)	Iran	2905.3100	2905.3100.2000	0.775
21	DI- ETHYLENE GLYCOL (DEG)	All origins	2905.4100	2905.4100.1000	0.825
22	PERCHLORO ETHYLENE (TETRA CHLORO ETHYLENE)	All origins	2903.2300	2903.2300.1000	0.75

Note: The customs values determined of Mono Ethylene Glycol (MEG) and Di-Ethylene Glycol (DEG) above are for imports in drum packing.

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 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.

10. This Ruling supersedes Valuation Ruling No. 794/2016 dated 15-01-2016.

(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.