

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI

The Collectors of Customs, Model Customs Collectorates, Appraisement & Facilitation (East / West) / Port Muhammad Bin Qasim / JIAP, Karachi (Appraisement & Facilitation / Enforcement & Compliance), AIIA Lahore / Sambrial (Sialkot) / Faisalabad / Multan / Islamabad / Hyderabad / Quetta (Appraisement / Preventive) / Peshawar (Appraisement / Facilitation Enforcement & Compliance) / Gawadar / Gilgit-Baltistan / Export (Karachi / Port Qasim)

DETERMINATION OF CUSTOMS VALUES BARLEY & OATS UNDER SECTION 25-A OF
THE CUSTOMS ACT, 1969

(VALUATION RULING No. 1444/2020)

No. Misc/14/2016-I/3013

Dated: 20th March, 2020

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

2. Background of the valuation issue: Earlier the customs values of Barley & Oats were determined under Section 25A of the Customs Act, 1969 vide Valuation Ruling No. 918/2016 dated 26-08-2016. During the analyzing of import data, it was noticed that the current market values of the subject goods have changed. Moreover, the values given in said Valuation Ruling, being more than three years old, needed redetermination, to bring those in line with markets. Therefore, an exercise to determine the Customs values of the subject goods under Section 25-A was initiated in the Directorate General.

3. Stakeholders' participation in determination of Customs values: Meetings with the stakeholders was held on 26-11-2019. The stakeholders were requested to furnish the following requisite documents:

- i. Invoices of imports during last three months showing factual value.
- ii. Websites, names and E-mail addresses of known foreign manufacturers of the item 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.
- iv. Copies of Sales Tax Invoices issued during last four months showing the difference in price (excluding duty and taxes) to substantiate that the benefit of difference in price is passed on to the local buyers.

No one attended the meeting except representative of M/s Muree Brewery Co. Ltd. who stated that they import malting Barley under PCT 1003.1000 and their declared value were always higher than the values mentioned in Valuation Ruling. During the meeting it was discussed that the price of Barley & Oats as available in 'Public Ledger', which is an '?????' publication, are relative of prevailing international market prices and it would be appropriate prices of goods, are checked verified from said publication.

4. Method adopted to determine Customs values: Custom Valuation methods given in Section 25 of the Customs Act, 1969 were applied in sequential order to address the valuation issue at hand. Transaction value method under Sub-Section (1) of Section 25, of the Act ibid was found inapplicable because requisite information under the law was not available. Identical and similar goods valuation methods provided in Sub-Sections(5) & (6) of Section 25 of the Customs Act, 1969 provided some reference values but due to wide variation and suppressed declarations, the same could not be relied upon. In the sequential order this office then resorted to conduct in market inquiry in items of Sub-Section (7) of the Section 25 of the Customs Act, 1969, Sub section (9) of section 25 of the Customs Act, 1969 was, however, applied to arrive at the assessable Customs values.

5. **Customs values for Barley & Oats hereinafter specified** shall be assessed to duty / taxes on the following minimum Customs values given against them in the Table below:-

	Description of goods	PCT	Origins	Customs Values (C&F)/ Kg Net Weight
1.	Barley	1003.9000	All Origins	Applicable FOB value from Public Ledger US\$ 40/MT (on account of freight charges)
2.	Oats	1004.9000	All Origins	Applicable FOB value from Public Ledger US\$ 40/MT (on account of freight charges)

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.

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:** 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 or 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. The Customs 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 assessing officers. The assessment shall be finalized in the correct classifications after fulfilling requisite formalities relating to importability or other certifications required thereon. In addition to this it is further necessary to verify that there is no misdeclaration of any sort or violation of Import Policy Order or Section of the Customs Act, 1969 or any other law in vogue therein.

10. This ruling supersedes Valuation Ruling No. 918/2016, dated 26-08-2016.

(SHAFIQUE AHMAD LATKI)
Director

Copy for information to:-

1. The Member (Customs, Operations), F.B.R., Islamabad.
2. The Director General, Customs Valuation, Custom House, Karachi.
3. The Chief Collector of Customs, South (Appraisalment), Custom House, Karachi.
4. The Chief Collector of Customs, South (Enforcement), Custom House, Karachi.
5. The Chief Collector of Customs (Central), Lahore.
6. The Chief Collector of Customs (North), Islamabad.
7. The Chief Collector of Customs, (Enforcement & Compliance), Custom House, Quetta.
8. The Director General, Intelligence and Investigation-FBR, Islamabad.
9. The Director General, PCA& Internal Audit, Karachi.
10. The Director General, IOCO, Karachi
11. The Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad / Quetta / Peshawar / Faisalabad.
12. The Director, Directorate of Customs Valuation, Lahore.
13. The Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WeBOC database system.