

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI

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

DETERMINATION OF CUSTOMS VALUES OF SPICES, HERBS AND EDIBLE GUMS,
UNDER SECTION 25-A OF THE CUSTOMS ACT, 1969

(VALUATION RULING No. 1445/2020)

No. Misc/15/2016-I/3017

Dated: 20th March, 2020

In exercise of the powers conferred under Section 25-A of the Customs Act, 1969 the customs values of Spices, Herbs & Edible Gums are determined as follows:-

2. Background of the valuation issue: Earlier the customs values of Spices, Herbs & Edible Gums were determined under Section 25A of the Customs Act, 1969 vide Valuation Ruling No. 1350/2019 dated 08-01-2019. Representations were received from the importers for the revision of subject Valuation Ruling. Therefore, an exercise to determine the Customs values of the subject goods under Section 25-A was initiated in this Directorate General, keeping in view price trend in international market.

3. Stakeholders' participation in determination of values: Meeting with the stakeholders was held on 21-11-2019. 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.

During the meeting it was revealed that the prices of some Spices, Herbs & Edible Gums are available in an accredited and well reputed publication i.e. 'Public Ledger', therefore, it was proposed during the meeting that the value of such spices as given in Public Ledger may be consulted to reach at fair value.

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) and (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 a market inquiry in terms of Sub-Section (7) of Section 25 of the Customs Act, 1969 but due to the variety, quality & other aspects of the goods, the same could not be relied upon. 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 Spices, Herbs & Edible Gums - *hereinafter specified* shall be assessed to duty/ taxes on the following minimum Customs values given against them in the Table below:-

| Sr. No. | Item Description | Origin | PCT | Customs Values C&F (US\$/Kg) |
|---------|-------------------------|-------------|-----------|--|
| (1) | (2) | (3) | (4) | (5) |
| 1. | Black Pepper Whole | All Origins | 0904.1110 | Applicable FOB value from Public Ledger + US\$ 40/MT on account of freight charges |
| 2. | White Pepper Whole | All Origins | 0904.1120 | |
| 3. | Cloves | All Origins | 0907.1000 | |
| 4. | Small Cardamoms | All Origins | 0908.3120 | |
| 5. | Mace | All Origins | 0908.2100 | |
| 6. | Cassia / Cinamon | All Origins | 0906.1100 | |
| 7. | Nutmeg | All Origins | 0908.1100 | |
| 8. | Star Anise | All Origins | 0909.6100 | |
| 9. | Cumin Seed (Zeera) | All Origins | 0909.3100 | |
| 10. | Coriander Seed (Dhania) | All Origins | 0909.2100 | |
| 11. | Gum Arabic / Gum Talah | All Origins | 1301.2000 | |
| 12. | Long Pepper | All Origins | 0904.1190 | 3.21 |
| 13. | Big Cardamom | All Origins | 0908.3110 | 6.42 |
| 14. | Kalonji | All Origins | 0909.6100 | 1.35 |
| 15. | Sat Istabgol | All Origins | 1211.9000 | 5.68 |
| 16. | Gum Copal | All Origins | 1301.9090 | 2.40 |
| 17. | Bay Leaves (Tej Patta) | All Origins | 0910.9910 | 1.86 |
| 18. | Tamarind with Seed | All Origins | 0813.4010 | 0.43 |
| 19. | Seedlac /Lakh Dana | All Origins | 1301.9020 | 14.40 |
| 20. | Asalia Seeds | All Origins | 1211.9000 | 0.80 |

6. In cases where declared/ transaction values are higher than the Customs value determined in this Ruling, the assessing officer 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 value 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. Review of the value determined vide this Valuation Ruling: A review 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.

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.

11. This ruling supersedes Valuation Ruling No. 1350/2019 dated 08-01-2019.

(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 (Appraisement & Facilitation), Custom House, Karachi.