

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

L/228/Add.5

8 December 1954

Limited Distribution

VALUATION FOR CUSTOMS PURPOSES

Questionnaire for the Ninth Session

Statements received from Governments

Addendum

Replies to the questionnaire in L/228 have been received from the following governments and are reproduced herewith:

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C H I L E
(Translation)

Question 1.

There are no such provisions in Chilean legislation.

Question 2.

There are no legislative provisions in Chile which permit valuation for customs purposes to be based on the values of comparable domestic products.

Question 3.

The determination of customs valuation is of a purely statistical nature because the Chilean customs tariff which fixes the usual duty is a specific tariff. The standard taken for customs valuation is the actual c.i.f. price of each article expressed in the currency used for import purposes, as shown in documents submitted by the persons concerned (commercial invoice, export licence, etc.).

An exception to this general rule is made for chemical products referred to in Tariff Item No. 945, on which normal ad valorem duty is levied. In this case, customs valuation is based on fixed values which are established in accordance with Article 4 of Law No. 4321 of 22 February 1928 which states:

"The Director of Customs shall establish each year, in accordance with the relative administrative regulations, the customs valuation for merchandise liable to ad valorem duty in pursuance of the tariff, and these values shall be publicly announced in time to allow them to come into effect on 1 January of the following year, subject to prior public notice of one month. The Director of Customs shall also be authorized to fix at any time the values for any merchandise not included in the annual values schedule, all such decisions having immediate effect."

The annual determination of values, in accordance with the above-mentioned provisions, is based on the exact actual value of each product, and applies to all imports of similar merchandise during the current year provided that no changes are made in these values by the customs authorities or by importers. When such changes are made, the Director of Customs may, in virtue of powers conferred on him by the Customs Law, publish a resolution changing customs valuations to take account of the exact real value of the merchandise.

The exact actual value is based on the invoices submitted by importers, on information obtained directly by the customs services, and on statistics and other information permitting values to be established as accurately as possible.

Question 4.

The time of sale accepted for customs valuation in Chilean legislation is the registration date of the customs declaration containing the clearance request for the merchandise in question, based on supporting documents submitted by the importers.

Question 5.

The place of sale is deemed to be the place where the merchandise is landed.

Question 6.

- a) No.
- b) No.
- c) As indicated in the reply to the previous question, valuation is based on the landed price in the importing country, that is to say the c.i.f. price.

Question 7. Yes

Question 8.

See reply to the first part of Question 3. When invoice value is not accepted or the value of the goods cannot be considered to be an honest estimate, the customs authorities adopt the value which corresponds or which might correspond to other similar merchandise, on the basis of the average c.i.f. prices resulting from official statistics for the previous six months, subject however to a possible claim by the importer who in such cases must provide the necessary information. The same procedure is followed when there is disparity between the declared value and what, in the opinion of the customs services, is the actual value of the goods.

Question 9.

There are no other administrative or legal regulations than those already indicated for determining customs valuation.

Question 10.

Yes. In Chile, all taxes from which the goods have been exempted are excluded in determining value of the product.

Question 11.

For purposes of customs valuation, the conversion of foreign currency is based on the par values recognized by the International Monetary Fund.

Question 12.

Under Chilean legislation, two taxes are levied on imported goods on the basis of their value, these being a tax on luxury articles (specifically enumerated by law) and a statistical tax. In applying these taxes, the methods described under Question 3 are used.

In the case of internal taxes, customs valuation is determined by the methods indicated above.

Question 13. No.

Additional Question (W.9/34)

Customs valuation is based on the value of the merchandise actually imported.

F R A N C E (Additional Statement)
(Translation)

Question 13.

The French export trade has met with practical difficulties, often of a serious nature, resulting from methods adopted in certain countries for the determination of customs valuation.

As a rule these difficulties are due to:

- (a) the vagueness of the criteria adopted which confers too much latitude of interpretation on the customs service; the variations noted in customs methods; the reconsideration of valuation after declarations have been verified; and the payment of supplementary duties, all of which tend to undermine the stability necessary in international trade;
- (b) customs valuation based on prices in the home market of the importing country, a practice in contradiction with the provisions of Article VII:2(a).

In other cases, where the basis taken for valuation is in accordance with the General Agreement, supplements and correctives contrary to the Agreement have been noted: inclusion in the value of the imported goods of duty already paid, of commission paid on currency purchases, and of relatively large lump sums designed to cover administrative and sales expenses and profits.

I T A L Y
(Translation)

The Annex I mentioned on page 13 of L/228/Add.2, missing in the English version, reads as follows:

ANNEX I

Determination of Dutiable Value

Article 17

Ad valorem customs duties on imported goods are assessed on the value of the goods as delivered at the border at the time of clearing through customs, i.e., on the normal price of the goods at that time calculated by adding to the basic price the cost of loading, shipment, transport and insurance as well as commission and all other costs arising from the sale, forwarding and delivery of goods as far as the border of the territory of the Republic.

The normal and current price shall be the price which the goods will fetch when sold under fully competitive conditions, irrespective of any other obligation which might exist between the buyer and the seller on the day when the entry stipulated under Article 16 of the Customs Code of 25 September 1940, No. 1424, is submitted to the customs administration, and where the goods are inspected.

When inspection of the goods does not take place immediately upon submission of the entry, the customs administration need not take account of price fluctuations having occurred during the fifteen days immediately following the date on which the entry is submitted.

The dutiable value of goods includes the value of the inner and outer packaging and generally speaking all packaging not covered by special duties. However, the value of any packaging which according to common commercial practice is normally sent back to the consigner and which, under the provisions of Royal Decree No. 1453 of 18 December 1913, subsequently converted into Act No. 474 of 17 April 1925, are admitted for temporary import only to be emptied of their content, is included in the dutiable value of the goods which it contains only when such packaging is invoiced for definitive sale or when it is not re-exported for any other reason.

N I C A R A G U A

It has been decided to make a general revision of the Customs Regulations. As soon as this general revision has been accomplished, the Government will be pleased to give the necessary information requested by the CONTRACTING PARTIES.

