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1 ARTICLE 17 OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

1.1 Text of Article 17

Article 17

Nothing in this Agreement shall be construed as restricting or calling into question the rights of customs administrations to satisfy themselves as to the truth or accuracy of any statement, document or declaration presented for customs valuation purposes.

1.2 Decision regarding cases where Customs Administrations have reasons to doubt the truth or accuracy of the declared value

1. Pursuant to the 1994 Ministerial Decision Regarding Cases Where Customs Administrations Have Reasons to Doubt the Truth or Accuracy of the Declared Value, at its meeting of 12 May 1995, the Committee on Customs Valuation adopted the following decision:

"The Committee on Customs Valuation,

Reaffirming that the transaction value is the primary basis of valuation under the Agreement on Implementation of Article VII of GATT 1994 (hereinafter referred to as the "Agreement");

Recognizing that the customs administration may have to address cases where it has reason to doubt the truth or accuracy of the particulars or of documents produced by traders in support of a declared value;

Emphasizing that in so doing the customs administration should not prejudice the legitimate commercial interests of traders;

Taking into account Article 17 of the Agreement, paragraph 6 of Annex III to the Agreement, and the relevant decisions of the Technical Committee on Customs Valuation;

Decides as follows:

1. When a declaration has been presented and where the customs administration has reason to doubt the truth or accuracy of the particulars or of documents produced in support of this declaration, the customs administration may ask the importer to provide further explanation, including documents or other evidence, that the declared value represents the total amount actually paid or payable for the imported goods, adjusted in accordance with the provisions of Article 8. If, after receiving further information, or in the absence of a response, the customs administration still has reasonable doubts about the truth or accuracy of the declared value, it may, bearing in mind the provisions of Article 11, be deemed that the customs value of the imported goods cannot be determined under the provisions of Article 1. Before taking a final decision, the customs administration shall communicate to the importer, in writing if requested, its grounds for doubting the truth or accuracy of the particulars or documents produced and the importer shall be given a reasonable opportunity to respond. When a final decision is made, the customs administration shall communicate to the importer in writing its decision and the grounds therefor.

2. It is entirely appropriate in applying the Agreement for one Member to assist another Member on mutually agreed terms."¹

¹ [G/VAL/M/1](#), Section F. The text of the decision can be found in [G/VAL/1](#).

2. In light of this Decision, the Doha Ministerial Conference decided that the Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (Customs Valuation Agreement):

"[U]nderlines the importance of strengthening cooperation between the customs administrations of Members in the prevention of customs fraud. In this regard, it is agreed that, further to the 1994 Ministerial Decision Regarding Cases Where Customs Administrations Have Reasons to Doubt the Truth or Accuracy of the Declared Value, when the customs administration of an importing Member has reasonable grounds to doubt the truth of accuracy of the declared value, it may seek assistance from the customs administration of an exporting Member shall offer cooperation and assistance, consistent with its domestic laws and procedures, including furnishing information on the export value of the good concerned. Any information provided in this context shall be treated in accordance with Article 10 of the Customs Valuation Agreement. Furthermore, recognizing the legitimate concerns expressed by the customs administrations of several importing Members on the accuracy of the declared value, the Committee on Customs Valuation is directed to identify and assess practical means to address such concerns, including the exchange of information on export values and to report to the General Council by the end of 2002 at the latest."²

3. At its meeting on 10-12 and 20 December 2002, the General Council took note of the report of the Customs Valuation Committee.³ The General Council authorized the Committee to continue its work under the existing mandate on the identification and assessment of practical means to address Members' concerns regarding the accuracy of declared values pursuant to paragraph 8.3 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns.⁴ The General Council also authorized the Committee to report to the General Council when it had completed this work. At its meeting on 15 May 2017, the Committee on Customs Valuation deleted the agenda item relating to paragraph 8.3 of the Decision on Implementation-Related Issues and Concerns in light of the entry into force of the Trade Facilitation Agreement.⁵

Current as of: July 2022

² [WT/MIN\(01\)/17](#), para. 8.3.

³ [G/VAL/50](#).

⁴ [WT/GC/70](#), para. 1(i).

⁵ [G/VAL/M/64](#). Prior to this meeting, Members had discussed whether the Trade Facilitation Agreement resolved the issues to be addressed under this agenda item.