



GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL CUSTOMS VALUATION
CUSTOM HOUSE KARACHI

The Collectors of Customs, Model Customs Collectorates, Appraisement (East/ West) / Port Qasim / Preventive), Karachi / Lahore (Appraisement/Preventive) / Multan / Islamabad / Sambrial(Sialkot) / Faisalabad / Hyderabad / Quetta/ Peshawar/ Gawadar/ Gilgit-Baltistan

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

(VALUATION RULING NO. 804/2016)

No. Misc/07 /2013 II 17892

Dated: 22nd January, 2016

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

2. **Background of the valuation issue:** Customs value of Methylene Chloride was determined vide Valuation Ruling No.679/2014 dated 21-07-2014. The trade community was demanding revision in prices of Methylene Chloride (PCT heading 2903.1200) claiming decline in their prices in international market. Accordingly to ascertain the current price prevailing in the international market of this item, an exercise to determine the customs value of Methylene Chloride was undertaken by this Directorate General.

3. **Stakeholder's participation in determination of Customs values:** Meeting with the stakeholders was held on 21-01-2016. It was attended by commercial importers as well as local manufacturers of chemical industries and office bearers/representatives of Pakistan Chemical Dyes Merchants Association (PCDMA) and the Chairman, Standing Committee on Customs Valuation. The FPCC&I, Karachi. Though the participants as well as the Association, namely, Pakistan Chemicals & Dyes Merchants Association, were requested to provide documents like Copies of contracts made/LC's, Sales Tax Invoices, to substantiate their contention of decrease in market prices, yet they did not provide required documents during the meeting.

4. The importers were adamant not to submit any document especially Sales Tax Invoices along with their monthly sales tax returns to ascertain truthfulness and accuracy of their contention regarding decline in prices in the international market. They were informed that onus was upon them to prove their contention of decline in prices through documentary evidences, They were also told that maintenance of Sales Tax Invoices and monthly returns is mandatory under the Sales Tax Law on each taxpayer, therefore, they should not be hesitant to submit them to the Customs Department as the Customs has authority in terms of Sub-section (11) of Section 25 of the Customs Act, 1969, to call any documents to satisfy about the truthfulness of accuracy of any information or declaration made to Customs for Valuation purpose. Moreover, they were informed that Sales Tax Invoices were authentic documents to show the price on which the goods are traded and a document for working out the actual C&F price with work-back method in case determination of value is done under Sub-Section (7) of Section 25 of the Customs Act, 1969. Since they were not forthcoming to furnish the complete documents including Sales Tax documents on one excuse or the other and the matter was lingering on, it was decided to proceed on merit in the light of available record as well as local market inquiry conducted.

5. **Method adopted to determine customs values:** Valuation methods given in Section 25 of the Customs Act, 1969 were applied sequentially to address the valuation issue in hand. Transaction value method under Sub-Section (1) of Section 25 of the Act, 1969, was found inapplicable because it is generally known to all that most of the invoices are manipulated / fabricated locally, hence, total reliance thereon cannot be made to ascertain the correct transactional value. Identical/similar goods value



methods provided in Sub-Sections (5) & (6) of Section 25 *ibid* were also not found applicable in view of the reason mentioned above in the case of Sub-Section (1). Market enquiry, as envisaged under Section 25(7) of the Customs Act, 1969, was conducted to determine Customs value for Methylene Chloride, but could not be solely relied upon owing to variety of markets/ locations. The computed method as provided under Section 25(8) of the Customs Act, 1969 could not be applied as the conversion cost from constituent material at the country of export were not available. Finally, import data obtained from PRAL was analyzed and international prices from various sources on internet were also checked in addition to prices worked back through market inquiry. All the information so gathered was evaluated and analyzed for the purpose of determination of customs value. Consequently, the customs value of Methylene Chloride has been determined under Section 25(9) of the Customs Act, 1969.

6. **Customs Values of Methylene Chloride:** Methylene Chloride hereinafter *specified*, shall be assessed to duty/taxes on the Customs value mentioned against it in the Table below:

S.No.	Description of goods	PCT Heading	Proposed PCT for WeBOC	Origin	Customs Values (C&F) US\$/ Kg
(1)	(2)	(3)	(4)	(5)	(6)
1.	Methylene Chloride	2903.1200	2903.1200.1000	U.K	0.65
2.	Methylene Chloride	2903.1200	2903.1200.1100	All Origins except U.K	0.63

7. 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, or by land route, the assessing officer shall take into account the differential between air freight or land route transportation charges and sea freight while applying the Customs values determined in this Ruling.
8. **Validity of 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 (4) of Section 25-A of the Customs Act, 1969.
9. **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 of Customs Valuation, 7th Floor, Custom House, Karachi.
10. 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 for redressal.
11. ***This Valuation Ruling supersedes Valuation Ruling No.679/2014, dated 21-07-2014.***


(Manzoor Hussain 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.