

The Collector of Customs, Collectorate of Customs (Appraisement -West / Appraisement -East / Appraisement - Port Muhammad Bin Qasim / Enforcement / JIAP), Karachi /Hyderabad / (Appraisement / Enforcement),Quetta / Gawadar / (Appraisement / Enforcement / AIIA), Lahore / Appraisement, Faisalabad / Appraisement, Sambrial (Sialkot) / Enforcement, Multan / Islamabad / Gilgit-Baltistan / (Appraisement / Enforcement), Peshawar / Enforcement, Dera Ismail Khan / Exports (Port Qasim / Custom House Karachi) / Transit Trade, Karachi.

DETERMINATION OF CUSTOMS VALUE OF TONER POWDER IN BULK FOR PHOTOCOPIERS AND PRINTERS UNDER SECTION 25A OF THE CUSTOMS ACT, 1969

(VALUATION RULING NO. 1689/2022)

C. No. Misc/05/2017-II/1874

Dated: 05-08-2022



In exercise of the powers conferred under Section 25A of the Customs Act, 1969, the Customs value of Toner Powder in bulk for photocopiers and printers is determined as follows:

2. **Background of the valuation issue:** The Customs value of Toner Powder in bulk was determined vide Valuation Ruling (VR) No. 1369/2019 dated 06-05-2019. The said VR was more than three years old, therefore this Directorate General initiated an exercise to determine afresh customs value of subject goods in terms of Section 25A of the Act.


3. **Stakeholders' participation in determination of Customs values:** Meeting with all stakeholders and trade bodies including representatives of clearance Collectorates was held in this Directorate General on 02-08-2022. The importers/stakeholders were requested to submit their proposals/suggestions as well as following documents before or during the course of stakeholders' meeting so that Customs value could be determined:

- i. Invoices of import during last three months showing factual values
- 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.

4. The meeting was attended by stakeholders and points of views were heard in detail to arrive at customs value of subject goods. The participants contended that the subject goods are being imported in bulk quantity for use in photocopiers and printers and are sold in retail packing for filling of printer's cartridges. It was submitted that the prices of the toner powder had shown downward trend in the international market in the post Covid-19 pandemic scenario. The view points of stakeholders were heard in detail and considered to arrive at customs values of the subject goods. All the stakeholders were asked to provide the supportive documents in order to substantiate their contention.

5. **Methods Adopted to Determine Customs Values:** Valuation methods provided in Section 25 of the Customs Act, 1969, were duly applied in their regular sequential order to arrive at customs value of subject goods. The Transaction value method as provided in sub-section (1) of Section 25 of the Act, was found inapplicable because no substantial documents were provided by the stakeholders to prove that their declared values were true transactional values. Moreover, different values were declared by different importers for same product according to different origins. Identical/similar goods value methods provided in Sections 25 (5) & (6) *ibid* were examined for applicability to determine customs values of subject goods. The data provided some references; however, it was found that the same could not be solely relied upon due to absence of absolute demonstrable evidence of qualities and quantities of commercial level etc. Information available was, hence, found inappropriate. In line with statutory sequential order of section 25, this office conducted market inquiries using deductive value methods under sub-section (7) of Section 25 of the Act, wide ranges of prices were observed for Toner Powders depends upon coloured and black in different local brands, and different location of market. Finally, clearance data, raw material prices, international prices through internet/ subscriptions were examined thoroughly and the information so gathered was utilized and analyzed for determination of Customs Values of Toner Powder under Section 25(7) of the Customs Act, 1969.

6. **Customs Values of Toner Powder in bulk for photocopiers and printers - hereinafter specified** shall be assessed to duty/taxes on the minimum Customs value mentioned against them in the Table below:



Sr. No.	Description of Goods	PCT Code	Proposed PCT for WeBOC	Origin	Customs Value (C&F) USS/Kg
(1)	(2)	(3)	(4)	(5)	(6)
1	Toner Powder Black for Photocopier and Printer (in Bulk)	3709.9000	3709.9000.1000	China	3.46
			3709.9000.1100	Taiwan/ Singapore/ Malaysia	4.05
			3709.9000.1200	Other Origins	5.50
2	Toner Powder Coloured for Photocopier and Printer (in Bulk)		3709.9000.1300	China	5.80
			3709.9000.1400	Taiwan/ Singapore/ Malaysia	7.02
			3709.9000.1500	Other Origins	10.05

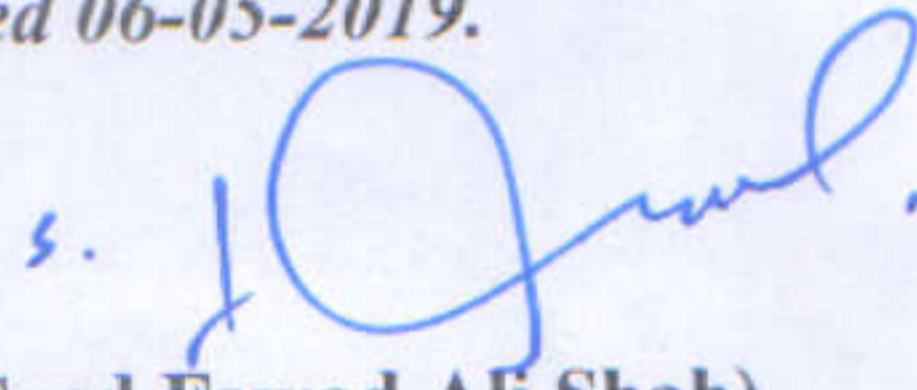
7. The assessing officers shall take into account first proviso to subsection 2 of section 25A of the Customs Act, 1969 which states "Provided that where the value declared in a goods declaration, filed under section 79 or section 131 or mentioned in the invoice retrieved from the consignment, as the case maybe, is higher than the value determined under subsection (1), such higher value shall be the customs value". In case of consignment imported by air, the assessing officers shall take into account the difference between air freight 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 25A of the Customs Act, 1969, read with rule 107 (a), Chapter IX, of the Customs Rules, 2001.

9. **Revision of the Value Determined vide this Valuation Ruling:** A revision petition may be filed against this Ruling, as provided under Section 25D 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 this Valuation 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. Customs values determined in the ruling are for the description and specification as mentioned in the above table of this Ruling. PCT Codes are mentioned for illustrative purpose so that valuation ruling values are made accessible to the assessing officers. The assessment shall be finalized on the basis of correct classification after fulfilling requisite formalities related to importability or any other certification required thereon. In addition to this, it is further necessary to verify that there is no mis-declaration of any sort or violation of Import Policy Order or Section 15 of the Customs Act, 1969, or any other law in vogue.

11. ***This Ruling supersedes Valuation Ruling No. 1369/2019 dated 06-05-2019.***


(Syed Fawad Ali Shah)
Director

Copy for information to: -

- 1) The Member Customs (Policy/Operations), F.B.R., Islamabad.
- 2) The Director General, Customs Valuation, Custom House, Karachi.
- 3) The Chief Collector of Customs, Appraisal (South) Custom House, Karachi.
- 4) The Chief Collector of Customs, Enforcement (South), Custom House, Karachi.
- 5) The Chief Collector of Customs, Appraisal (Central), Custom House, Lahore.
- 6) The Chief Collector of Customs, Enforcement (Central), Custom House, Lahore.
- 7) The Chief Collector of Customs (North), Custom House, Islamabad.
- 8) The Chief Collector of Customs Balochistan, Custom House, Quetta.
- 9) The Chief Collector of Customs Khyber Pakhtunkhwa, Custom House, Peshawar.
- 10) The Director General, Intelligence and Investigation-FBR, Islamabad.
- 11) The Director General, PCA& Internal Audit, Karachi.
- 12) The Director General, IOCO, Karachi
- 13) The Director General, Transit Trade, Custom House Karachi
- 14) The Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad/ Quetta/ Peshawar/ Faisalabad.
- 15) The Director, Transit Trade, Custom House Karachi
- 16) The Director, Directorate of Customs Valuation, Lahore.
- 17) The Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WEBOC database system.
- 18) The Chairman (Valuation Committee), FPCC&I, Federation House, Clifton, Karachi.
- 19) The Chambers of Commerce & Industry, Karachi, Lahore, Islamabad, Hyderabad, Quetta & Peshawar.
- 20) The Karachi Customs Agents Group, Bohri Road, Karachi.
- 21) The Webmaster, Federal Board of Revenue, Islamabad.
- 22) Guard File.