



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

DETERMINATION OF CUSTOMS VALUES OF COUNTER TOP SHEETS / ARTIFICIAL STONE SHEETS / ARTIFICIAL MARBLE SHEETS / SOLID SURFACE SHEETS / CAST ACRYLIC SHEETS OF ACRYLIC POLYMERS & UNSATURATED POLYESTERS UNDER SECTION 25A OF THE CUSTOMS ACT, 1969

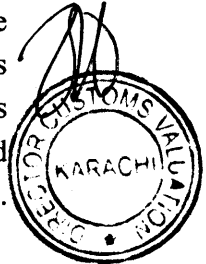
(VALUATION RULING NO.1891 / 2024)

C. No. Misc/04/2020-II/588

Dated: 06 - 06-2024

In exercise of the powers conferred under Section 25A of the Customs Act, 1969, Custom values of Counter Top Sheets / Artificial Stone Sheets / Artificial Marble Sheets / Solid Surface Sheets / Cast Acrylic Sheets of Acrylic Polymers & Unsaturated Polyesters are determined as follows:

2. **Background of the valuation issue:** Earlier, customs values were determined vide Valuation Ruling No.1679/2022 dated 22-07-2022. A complaint in Honorable Federal Tax Ombudsman (FTO) was filed by M/s. H.S. Engineering Services and accordingly this office of the Directorate General of Customs Valuation was directed to dispose of the complainant's application after providing him the opportunity of hearing for the determination of customs values of Counter Top Sheets / Artificial Stone Sheets / Artificial Marble Sheets / Solid Surface Sheets / Cast Acrylic Sheets of Acrylic Polymers & Unsaturated Polyesters. Therefore, an exercise was initiated by the Directorate to determine the same.



3. **Stakeholders' participation in determination of Customs values:** Meetings were convened on 07-05-2024 and 14-05-2024, which were attended by the relevant stakeholders. The issues pertaining to the valuation of subject goods were deliberated upon in detail in the afore-referred meetings.

4. **Analysis / Exercise done to determine Customs values:** During the meeting, the representatives of M/s H.S Engineering Services argued that their imported goods i.e. Counter Top Sheets / Artificial Stone Sheets / Artificial Marble Sheets / Solid Surface Sheets of Unsaturated Polyesters do not fall under the ambit of existing HS codes as mentioned in the VR on the basis of constituent raw material. Moreover, they contested that the market prices of their goods (composed of significant percentage of unsaturated polyesters primarily) are much lower than those made up of Acrylic polymers. Therefore, the classification needs modification keeping in view the composition of goods in question. Representative of M/s. Prisma Tech (Pvt) Ltd; a local manufacturer of the said product also agreed with the

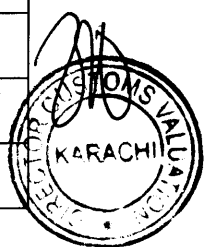
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same. For this purpose, Ninety (90) days' data has also been retrieved and the same has been scrutinized. Subsequently, market inquiry has been conducted and examined in the light of this Directorate's Office Order No.17/2014 dated 19-03-2014 and in terms of Section 25(7) of the Customs read with Section 25(9) of the Customs Act, 1969.

5. **Method(s) adopted to determine Customs values:** Valuation methods specified in Section 25 of the Customs Act, 1969, are duly considered in sequential order to arrive at the Customs values of subject goods. The transaction value method as provided in sub-section (1) of Section 25 of the Customs Act, 1969, was found inapplicable due to absence of information as required under sub-section (2) of Section 25 of Customs Act, 1969. Therefore, identical goods value method provided in Section 25(5) was examined for applicability to determine Customs values of subject goods. However, it was found that the same could not be solely relied upon due to absence of absolute demonstrable evidences of quantities and qualities. Information available was, hence, found incomplete. Subsequently, similar goods value method provided in Section 25(6) was also examined for applicability to determine Customs values of subject goods and was not considered (for application) due to afore-stated reasons. Moreover, Declared Values (DV) of similar goods had showed consistent variations. Hence, this method was also found inapplicable. Market enquiry as envisaged under Sub section (7) of Section 25 of the Customs Act, 1969 was also conducted but did not yield tangible results because of variation in market prices. In line with statutory sequential order of section 25, Computed value method, as provided in Section 25(8) of the Customs Act, 1969 was examined, but the same also could not be applied as the conversion cost from the constituent materials and allied expenses, in the country of export, were not available for manufacturing of the said goods. Finally, the Customs values of the subject goods have been determined under Section 25(9) read with Section 25(7) and Customs Rule 121(2) of Customs Rules, 2001 which provides that the methods of valuation, to be employed under sub-section (9) of section 25 of the Act may be inclusive of those laid down in sub-sections (1), (5), (6), (7) and (8) of the said section, but a reasonable flexibility in the application of such methods would be in conformity with the aims and provisions of sub-section (9) of that section.

6. **Customs Values for Counter Top Sheets / Artificial Stone Sheets / Artificial Marble Sheets / Solid Surface Sheets / Cast Acrylic Sheets of Acrylic Polymers & Unsaturated Polyesters - hereinafter specified shall be assessed to duty / taxes at following Customs Values:**

Sr. No.	Description of Goods	PCT	Proposed PCTs for WeBOC	Origin	Customs Value (C&F) US\$/Kg
1	Counter Top Sheets / Solid Surface Sheets / Artificial Marble Sheets / Artificial Stone Sheets / Cast Acrylic Sheets of Acrylic Polymers. (Corian)	3920.5100 3920.5900	3920.5100.1000 3920.5900.1000	China	2.99
			3920.5100.1100 3920.5900.1100	Korea	3.58
			3920.5100.1200 3920.5900.1200	USA	3.96
			3920.5100.1300 3920.5900.1300	Other Origins	3.51



2	Counter Top Sheets / Solid Surface Sheets / Artificial Marble Sheets / Artificial Stone Sheets / Cast Acrylic Sheets of Acrylic Polymers. (Other brands)	3920.5100 3920.5900	3920.5100.1400 3920.5900.1400	China	2.54
			3920.5100.1500 3920.5900.1500	Korea	3.04
			3920.5100.1600 3920.5900.1600	USA	3.38
			3920.5100.1700 3920.5900.1700	Other Origins	3.00
3	Counter Top Sheets / Solid Surface Sheets / Artificial Marble Sheets / Artificial Stone Sheets of Unsaturated Polyesters.	3920.6390	3920.6390.1000	China	1.75
			3920.6390.1100	Korea	2.09
			3920.6390.1200	USA	2.33
			3920.6390.1300	Other Origins	2.07

7. In cases, where declared 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, the assessing officers shall take into account the difference between air freight and sea freight while applying the Customs values in this Ruling.

8. **Validity of this Valuation Ruling:** This Ruling, containing the Customs values for assessment of subject imported goods, shall be applicable until and unless the same are rescinded or revised by the competent authority in terms of sub-Section (4) of Section 25A of the Customs Act, 1969.

9. **Revision of the values determined vide this Valuation Ruling:** If aggrieved, 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 its issuance, 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 Valuation Ruling, for the given description of goods, are applied by the concerned assessing officers / officials without fail. Any anomaly observed may kindly be brought to the notice of this Directorate immediately. The Customs values determined in this ruling are for the descriptions and specifications as mentioned in Para-6 of this Ruling. HS Codes are mentioned for illustrative purposes so that Valuation Ruling is made accessible to the assessing officers. The assessments shall be finalized on the basis of correct classifications after fulfilling all formalities related to importability or other certifications required thereon.

11. This ruling supersedes *Valuation Ruling No. 1679/2022 dated 22-07-2022*.



(Fayaz Rasool Maken)
Director

Copy for information to:

1. The Member Customs (Operations), Federal Board of Revenue, 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, Baluchistan, Custom House, Quetta.
9. The Chief Collector of Customs, Khyber Pakhtunkhwa, Custom House, Peshawar.
10. The Director General, Intelligence and Investigation (Customs) FBR, Islamabad.
11. The Director General, PCA & Internal Audit, Karachi.
12. The Director General, IOCO, Karachi.
13. The Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad/ Quetta/ Peshawar/ Faisalabad.
14. The Director, Transit Trade, Custom House, Karachi.
15. The Director, Directorate of Customs Valuation, Lahore/Quetta/Peshawar.
16. The Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WeBOC database system.
17. The Chairman (Valuation Committee), FPCC&I, Federation House, Clifton, Karachi.
18. The Chambers of Commerce & Industry, Karachi, Lahore, Islamabad, Hyderabad, Quetta & Peshawar.
19. The Karachi Customs Agents Association, Bohri Road, Karachi.
20. The Webmaster, Federal Board of Revenue, Islamabad.
21. Guard File.