

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

VAL/Spec/31

7 November 1990

Special Distribution

Committee on Customs Valuation

DRAFT TENTH ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT

Background Document by the Secretariat

Article 26 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade provides that "the Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof".

The main objectives of the Agreement are those listed in the Preamble. The annual review of the Committee should cover the operation of the Agreement as a whole, as well as action by Parties to ensure proper implementation and operation of the Agreement in the light of its objectives and specific obligations.

The information in this document covers the period from 11 March 1990 to 5 November 1990.

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1. ACCESSIONS, ACCEPTANCES AND RESERVATIONS

(a) Status of accessions and acceptances

The number of signatories is twenty-nine.

The Republic of Poland signed the Agreement on 30 October 1990,
subject to ratification.

(b) Terms of acceptance

In regard to terms of acceptance, the special provisions available for
developing countries have been invoked as follows:

(i) Article 21.1 (delayed application of the provisions of the Agreement)

Mexico	(10 March 1993)
Turkey	(12 February 1994)

(ii) Article 21.2 (delayed application of the computed value method)

Argentina
India
Mexico
Turkey
Zimbabwe

(iii) Protocol, paragraph I:3 (reservation concerning minimum values)

India

- (iv) Protocol, paragraph I:4 (reservation concerning reversal of sequential order of Articles 5 and 6)

Argentina
Brazil
India
Malawi
Mexico
Turkey
Zimbabwe

- (v) Protocol, paragraph I:5 (reservation concerning application of Article 5.2 whether or not importer so requests)

Argentina
Brazil
India
Mexico
Turkey
Zimbabwe

2. COMPOSITION OF THE COMMITTEE ON CUSTOMS VALUATION

Chairman: Mr. H. Krueger (Germany)
Vice-Chairwoman: Ms. S. Riordon (Canada)

Signatories

Argentina	Lesotho
Australia	Malawi
Austria	Mexico
Botswana	New Zealand
Brazil	Norway ¹
Canada	Poland ¹
Cyprus	Romania
Czechoslovakia	South Africa
European Economic Community and its member States	Sweden
Finland	Switzerland
Hong Kong	Turkey
Hungary	United States
India	Yugoslavia
Japan	Zimbabwe
Korea, Republic of	

Observers

(i) Governments:

Bangladesh	Malaysia
Bulgaria	Nicaragua
Cameroon	Nigeria
Chile	Pakistan
People's Republic of China	Peru
Colombia	Philippines
Côte d'Ivoire	Singapore
Cuba	Sri Lanka
Ecuador	Thailand
Egypt	Trinidad and Tobago
Indonesia	Zaire
Israel	

(ii) International Organizations:

Customs Co-operation Council (permanent observer)
IMF
UNCTAD

¹Subject to ratification

3. MEETINGS OF THE COMMITTEE

Since the ninth annual review, the Committee has met once on 20 March 1990 (VAL/M/26).

4. NATIONAL LEGISLATION PRESENTED

Article 25 of the Agreement requires each Party to inform the Committee of any changes in its laws and regulations relevant to the Agreement and in the administration of such laws and regulations. At its first meeting the Committee agreed on procedures for the submission of the complete texts of national legislation (VAL/M/1, paragraph 37).

Since the ninth annual review, the following additional texts of national legislation, regulations and administrative procedures have been submitted:

European Economic Community	VAL/1/Add.2/Suppl.11
Australia	VAL/1/Add.14/Suppl.4
Malawi	VAL/1/Add.27

At its second meeting, the Committee had decided that Parties should provide written responses to a checklist of issues concerning their national laws, regulations etc. (VAL/M/2, paragraph 52). At its meeting of 13 November 1985, the Committee had added two questions to the checklist (VAL/M/14, paragraph 55).

A complete listing of national legislation and replies to the checklist of issues communicated to the Committee is at Annex I of this note.

The Committee has continued its detailed consideration of national implementing legislation. At its twenty-sixth meeting, it continued its examination of the national legislations of Cyprus, Australia and the Republic of Korea.

Information on the status of the application of the Decision on the Treatment of Interest Charges in the Customs Value of Imported Goods (VAL/6/Rev.1) and of paragraph 2 of the Decision on the Valuation of Carrier Media Bearing Software for Data Processing Equipment (VAL/8 and Add.1), made available by Parties is summarized in document VAL/W/34/Rev.4. At the meeting of 11 May 1987, it was agreed that Parties which had not yet done so, should furnish the required information on date from which the Decision on interest charges would be applied.

It might also be noted that the Technical Committee has established procedures for the dissemination of information on publications relating to national legislation where the texts in question are not covered by the procedures of the Committee on Customs Valuation, and for the circulation of declaration forms for customs value. The Technical Committee also publishes an Index of rulings and conclusions on valuation questions issued by Parties. Details of information available through the Technical Committee are at Annex II of this note.

5. AMENDMENTS, INTERPRETATIONS, RECTIFICATIONS, ETC. OF THE TEXT OF THE AGREEMENT

During the year under review, the Committee has agreed to rectification in the French text of paragraph 1 of both the Note to Article 2 and the Note to Article 3 of the Agreement (VAL/W/49/Add.4).

6. TECHNICAL ASSISTANCE

Technical assistance aimed at providing information to assist countries in their consideration of joining the Agreement and at helping countries in their preparations for the application of the Agreement has continued to be a matter of high priority to Parties, the Committee on Customs Valuation and the Technical Committee. Technical assistance is being made available to both developing country Parties and other developing countries interested in the Agreement.

Information on technical assistance activities relating to the Agreement is contained in a working document (VAL/W/29/Rev.4) which reproduces information contained in CCC document 35.210.

7. INFORMATION AND ADVICE FROM THE TECHNICAL COMMITTEE, AND GENERAL REPORT ON THE TECHNICAL COMMITTEE

A detailed oral report on the work of the nineteenth session of the Technical Committee on Customs Valuation, held 12-16 March 1990 was presented by the Chairman of that Committee to the meetings of the Committee on Customs Valuation of 20 March 1990. At its March 1990 meeting the Technical Committee approved a case study on the application of Article 8.1(b) concerning the adjustments that should be made in connection with the services in points (i), (ii), (iii) and (iv) of the Article. The Committee on Customs Valuation took note of this report and expressed its appreciation of the continued valuable work of the Technical Committee.

8. SUBSTANTIAL DIFFICULTIES ENCOUNTERED BY PARTIES IN APPLYING THE AGREEMENT

As in previous years of operation of the Agreement, no Party has reported any substantial difficulty with applying the Agreement. One Party submitted a communication on the matter of burden of proof (VAL/W/51).

9. CONSULTATION AND DISPUTE SETTLEMENT

The secretariat is not aware of any Party that has requested consultations under Article 19 of the Agreement. The provisions of Article 20 have not been resorted to.

10. PANELISTS

In accordance with paragraph 2 of Annex III of the Agreement, which states that each Party shall be invited to indicate at the beginning of every year to the Chairman of the Committee the name(s) of one or two governmental experts whom the Parties would be willing to make available for panel work, the following Parties have nominated persons who would be available to serve on panels in 1990: Canada, the European Communities, Finland, Hong Kong, Japan, the Republic of Korea, Norway, Sweden and the United States.

11. OTHER MATTERS RELATING TO IMPLEMENTATION

(i) Use of various valuation methods by Parties

It will be recalled that, at its meeting of 10-11 November 1983, the Committee agreed that a new data collection exercise should be postponed until additional countries were applying the Agreement, and decided to revert to this question at an appropriate future meeting. The question was not taken up in 1990.

12. ANNUAL REPORT TO THE CONTRACTING PARTIES

The Committee adopted its annual report to the CONTRACTING PARTIES in accordance with the requirements of Article 26 of the Agreement (L/6761).

13. GENERAL APPRECIATION OF EXPERIENCE WITH IMPLEMENTATION AND OPERATION OF THE AGREEMENT

As in previous years, Parties have indicated general satisfaction with their experience with the operation and implementation of the Agreement, which has continued to contribute towards the realization of its objectives and to creating improved conditions for the conduct of international trade. While some two-thirds (see Annex III) of international trade is already subject to the provisions of the Agreement, this contribution would be enhanced by the adoption of the Agreement by more countries.

ANNEX I

Information on National Legislation

Below are listed the references to the documents containing national laws, regulations etc. and replies to the Checklist of Issues (VAL/2/Rev.1 and Rev.2) received from signatories.

<u>Signatory</u>	<u>National legislation</u>	<u>Replies to the Checklist of Issues</u>
Argentina	VAL/1/Add.22 + Suppl.1-2	VAL/2/Rev.2/Add.4
Australia	VAL/1/Add.14 + Suppl.1-4	VAL/2/Rev.1/Add.12 + Suppl.1
Austria	VAL/1/Add.10 + Suppl. 1	VAL/2/Rev.1/Add.3 + Suppl.1
Botswana	VAL/1/Add.16	Not received
Brazil	VAL/1/Add.20 + Suppl.1	VAL/2/Rev.2/Add.3
Canada	VAL/1/Add.17 + Suppl.1-3	VAL/2/Rev.1/Add.14
Cyprus	VAL/1/Add.26	VAL/2/Rev.2/Add.6
Czechoslovakia	VAL/1/Add.18 + Suppl.1/ Corr.1-2	VAL/2/Rev.1/Add.15 + Suppl.1
European Economic Community	VAL/1/Add.2 + Suppl.1-11	VAL/2/Rev.1/Add.6 + Suppl.1
Finland	VAL/1/Add.4 + Suppl.1-2	VAL/2/Rev.1/Add.5
Hong Kong	VAL/1/Add.9	Not applicable
Hungary	VAL/1/Add.6	VAL/2/Rev.1/Add.4
India	VAL/1/Add.24	VAL/2/Rev.2/Add.6
Japan	VAL/1/Add.7	VAL/2/Rev.1/Add.8
Korea, Rep. of	VAL/1/Add.19 + Suppl.1-4 + Suppl.2/Corr.1 + Suppl.3/Corr.1	VAL/2/Rev.2/Add.1 + Suppl.1
Lesotho	VAL/1/Add.21 + Suppl.1	VAL/2/Rev.2/Add.2
Malawi	VAL/1/Add.27	
Mexico	VAL/1/Add.25	
New Zealand	VAL/1/Add.12 + Suppl.1	VAL/2/Rev.1/Add.10
Norway	VAL/1/Add.11 + Corr.1 + Suppl.1-2	VAL/2/Rev.1/Add.7
Romania	VAL/1/Add.8 + Suppl.1	VAL/2/Rev.1/Add.9
South Africa	VAL/1/Add.15 + Corr.1 + Suppl.1-3	VAL/2/Rev.1/Add.13
Sweden	VAL/1/Add.3	VAL/2/Rev.1/Add.2 + Suppl.1
Switzerland	VAL/1/Add.5	
Turkey	Not yet applying the Agreement.	
United States	VAL/1/Add.1 + Suppl.1-5	VAL/2/Rev.1/Add.1
Yugoslavia	VAL/1/Add.13	VAL/2/Rev.1/Add.11
Zimbabwe	VAL/1/Add.23	VAL/2/Rev.2/Add.5

ANNEX II

Information relevant to the implementation and administration of the Agreement disseminated through the Technical Committee

A. Dissemination of information on national legislation, etc.

The Technical Committee has established procedures for the dissemination of information on national publications relating to the adoption and implementation of the Agreement other than those texts circulated to the Committee on Customs Valuation under the procedures relating to the notification of national legislation. The following Parties have informed the Technical Committee, in the CCC documents specified, of publications that they would make available on request:

<u>Party</u>	<u>CCC document number</u>
Australia	28.311
Canada	28.619 and 29.275
European Economic Community	27.182
Hungary	34.898
Japan	27.182
New Zealand	29.939
Sweden	27.703
United States	27.292 and 28.109

B. Declaration forms

Declaration forms for valuation purposes of the following Parties have been circulated in the CCC documents indicated:

<u>Party</u>	<u>CCC document number</u>
Austria (provisional translation)	29.276
Canada	32.005, 32.459, 32.942
European Economic Community	26.916
Finland	27.484
India	35.197
Japan	27.473
Korea, Rep. of	34.294
New Zealand	29.938
Norway	32.211
Sweden	28.225
Yugoslavia	35.188

C. Index of rulings

The Technical Committee has included in its compendium on the Agreement an index listing rulings and conclusions on valuation questions issued by countries applying the Agreement. Parties interested in a particular ruling can request the full text from the issuing administration.

ANNEX III

Trade subject to Code on Customs Valuation - 1987
(US\$ billion)

	<u>Imports c.i.f.</u>	<u>Shares</u>
Total World Imports	2355.00 ¹	100.0
of which:		
Signatories		
applying Code:		
Argentina	5.32	0.2
Australia	36.08	1.5
Austria	36.00	1.5
Brazil	16.05 ₃	0.7
Botswana	0.85 ³	0.0
Canada	115.20 ²	4.9
Czechoslovakia	24.20 ²	1.0
EEC	458.00 ¹	19.4
Finland	21.14	0.9
Hong Kong	63.89	2.7
Hungary	17.40	0.7
India	19.17	0.8
Japan	187.38	8.0
Korea, Rep. of	51.81 ³	2.2
Lesotho	0.42 ³	0.0
Malawi	0.40	0.0
New Zealand	7.35	0.3
Norway	23.15 ²	1.0
Romania	10.00 ²	0.4
South Africa	18.76	0.8
Sweden	45.63	1.9
Switzerland	56.49	2.4
United States	459.57	19.5
Yugoslavia	13.17 ³	0.6
Zimbabwe	1.21 ³	0.1
Sub-Total	1688.64 ¹	71.7
Signatories which have delayed application of the Code:		
Mexico	19.60	0.8
Turkey	14.30	0.6
Sub-Total	33.90	1.4
Total of Signatories	1722.54 ¹	73.1

¹Excluding trade between EEC member States.

²Imports f.o.b.

³1987 imports, c.i.f.