

WTO Panel Findings on Customs Valuation - two Valuation cases

Colombia – Ports of Entry (DS366)

Background :

- On 12 July 2007, Panama requested consultations with Colombia on :
 - (i) use of indicative prices applicable to specific goods, and,
 - (ii) restrictions on ports of entry for certain goods.

Colombia – Ports of Entry (DS366)

Panama alleged that:

- Colombia require importers of specific goods to pay customs duties & other duties and charges based on **INDICATIVE PRICES**, rather than on the WTO Valuation methods.

Colombia – Ports of Entry (DS366)

Panel Findings:

Colombia's
Resolutions
establishing
indicative
prices

**INCONSISTENT
WITH :**

Sequential
application of
methods of
valuation
(Art I-6 CVA)

Colombia – Ports of Entry (DS366)

Panel Findings:

Measures inconsistent
with Article 7.2 (b)
and 7.2 (f)



For using the
higher of two
values/ minimum
values

Colombia – Ports of Entry (DS366)

Panel Concluded:

- Colombia acted inconsistently with the provisions of the CVA which has nullified and impaired benefits which should accrue to Panama.
- Recommended Colombia to bring its measures into conformity with the CVA.

Thailand – Cigarettes (Philippines) DS 371

Background:

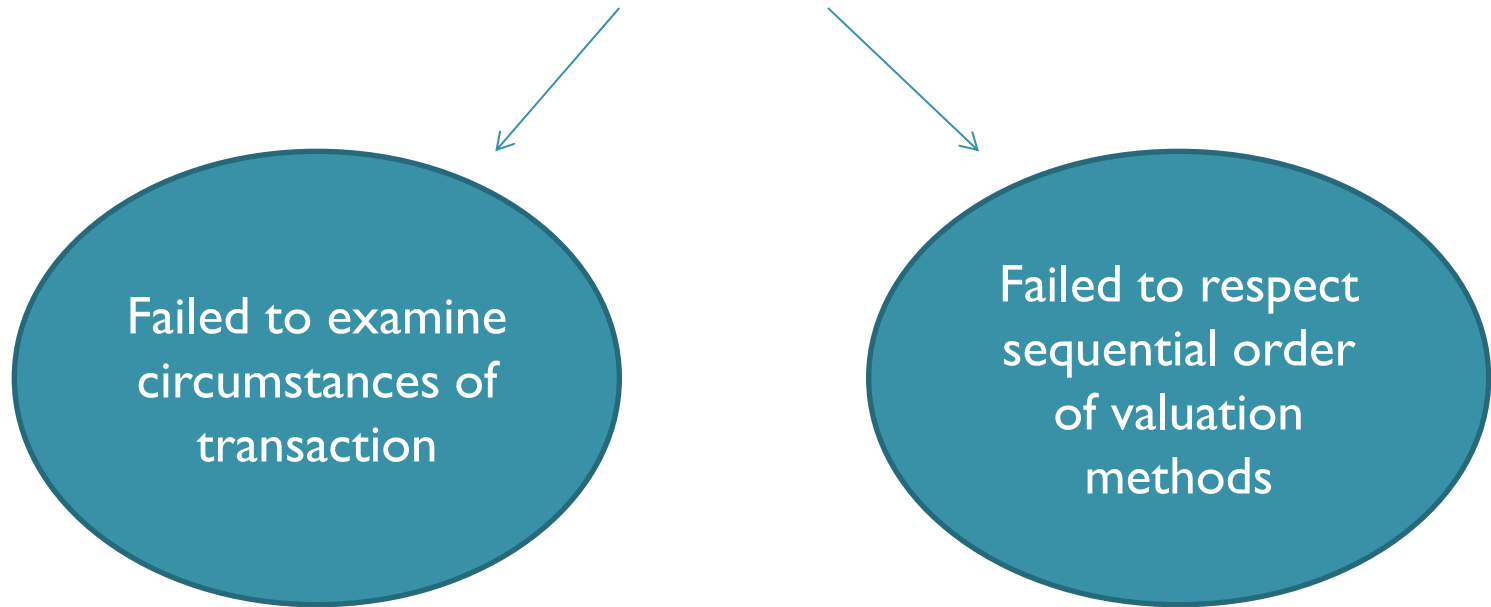
- 7 February 2008 : the Philippines requested consultations with Thailand concerning a number of fiscal and customs measures affecting imports of cigarettes from the Philippines.



Thailand – Cigarettes (Philippines) DS 371

Philippines alleged that Thailand improperly rejected the transaction value, violating Art 1.1 and 1.2 (a)

Thailand



Thailand – Cigarettes (Philippines) DS 371

The Philippines further argued that Thai Customs:

- had applied the deductive method inconsistently with Articles 5 and 7 of the CVA.
- had violated procedural obligations under Articles 10 (not to disclose confidential information) and 16 (to provide an explanation for the determination of the final customs value)

Thailand – Cigarettes (Philippines) DS 371

Thailand stated that:

- the burden of establishing that the relationship did not influence the price was on the importer.
- they had acted consistently as the importer failed to provide sufficient information to prove that the relationship did not influence the price.

Thailand – Cigarettes (Philippines) DS 371

Panel Findings (I)

- Thai Customs explanation was insufficient to reject the importer's declared transaction value and to determine a different customs value.

Thailand – Cigarettes (Philippines) DS 371

Panel Findings (II)

Thai Customs :

- had not deducted all relevant expenses in accordance with Article 5 of the CVA
- had not consulted the importer for any further relevant information, as required under Article 7.3 of the CVA
- failed to examine the circumstances of sale (Art. 1.2(a))