

Customs (Valuation) (Import Duty) Regulations 1997

Table of Contents

Enacting Formula

- 1 Citation and commencement**
- 2 Definitions**
- 3 Transaction value as primary basis of valuation**
- 4 Adjustment of price paid or payable**
- 5 Transaction value of identical goods as value**
- 6 Transaction value of similar goods as value**
- 7 Deductive value as value**
- 8 Computed value as value**
- 9 Residual basis of valuation**
- 10 Determination of value by Customs**
- 11 Supply of information**
- 12 Foreign currency conversion**

No. S 466

CUSTOMS ACT (CHAPTER 70)

CUSTOMS (VALUATION) (IMPORT DUTY) REGULATIONS 1997

In exercise of the powers conferred by sections 22A and 143(1) of the Customs Act, the Minister for Finance hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Customs (Valuation) (Import Duty) Regulations 1997 and shall come into operation on 17th October 1997.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“computed value” means the value determined in accordance with regulation 8;

“country of export” or “the country from which any goods are exported” means the country from which the goods are transported directly to Singapore or, as the case may be, the country from which the goods are deemed to be transported pursuant to paragraph (4)(b);

“deductive value” means the value determined in accordance with regulation 7;

“goods of the same class or kind” means imported goods that —

- (a) are within a group or range of imported goods produced by a particular industry or industry sector that includes identical goods or similar goods in relation to the goods being valued; and
- (b) for the purposes of —
 - (i) regulation 7, were exported from any country; and
 - (ii) regulation 8, were produced in and exported from the country in and from which the goods being valued were produced and exported;

“identical goods” means imported goods that —

- (a) are the same in all respects, including physical characteristics, quality and reputation, as the goods being valued, except for minor differences in appearance that do not affect the value of the goods;
- (b) were produced in the country in which the goods being valued were produced; and
- (c) were produced by or on behalf of the person who produced the goods

being valued,

but does not include imported goods where engineering, development work, art work, design work, plans or sketches undertaken in Singapore were supplied, directly or indirectly, by the buyer of those imported goods free of charge or at a reduced cost for use in connection with the production and sale for export of those imported goods;

“price paid or payable”, in relation to any goods, means the aggregate of all amounts paid or payable by the buyer to or for the benefit of the seller in respect of the goods;

“produce” includes grow, manufacture and mine;

“similar goods” means imported goods that —

- (a) closely resemble the goods being valued in respect of component materials and parts and characteristics and are functionally and commercially interchangeable with the goods being valued having regard to the quality and reputation (including any relevant trade mark) of the goods and the goods being valued;
- (b) were produced in the country in which the goods being valued were produced; and
- (c) were produced by or on behalf of the person who produced the goods being valued,

but does not include imported goods where engineering, development work, art work, design work, plans or sketches undertaken in Singapore were supplied, directly or indirectly, by the buyer of those imported goods free of charge or at a reduced cost for use in connection with the production and sale for export of those imported goods;

“sufficient information”, in respect of the determination of any amount, difference or adjustment, means objective and quantifiable information that clearly establishes the accuracy of the amount, difference or adjustment;

“transaction value” means the value determined in accordance with regulations 3 and 4.

(2) For the purposes of these Regulations, persons shall be deemed to be related only if —

- (a) they are officers or directors of one another’s businesses;
- (b) they are legally recognised partners in business;

- (c) they are employer and employee;
- (d) any person directly or indirectly owns, controls or holds 5 per cent or more of the outstanding voting stock or shares of both of them;
- (e) one of them, directly or indirectly, controls the other;
- (f) both of them are, directly or indirectly, controlled by a third person;
- (g) together they, directly or indirectly, control a third person; or
- (h) they are members of the same family.

(3) Persons who are associated in business with one another in that one is the sole agent, sole distributor or sole concessionaire, however described, of the other shall be deemed to be related for the purposes of these Regulations if they fall within the criteria of paragraph (2).

(4) For the purposes of these Regulations —

- (a) where there are no goods that were produced by or on behalf of the person who produced the goods being valued and that are otherwise identical goods or similar goods, goods that were produced by or on behalf of a different person and that are otherwise identical goods or similar goods shall be deemed to be identical goods or similar goods, as the case may be; and
- (b) goods exported to Singapore from any country but passing through any other country on their way to Singapore (whether transhipped in that other country or not) shall be deemed to be transported directly from the first-mentioned country.

(5) In the interpretation of these Regulations, regard shall be had to —

- (a) the Interpretative Notes in Annex I to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994; and
- (b) the Decision of 26th April 1984 on the Treatment of Interest Charges in the Customs Value of Imported Goods.

Transaction value as primary basis of valuation

3.—(1) For the levying of import duty, the value of imported goods shall be their transaction value, that is, the price paid or payable for the goods when sold for export to Singapore, adjusted in accordance with regulation 4, if —

- (a) there are no restrictions respecting the disposition or use of the goods by

the buyer, other than restrictions that —

- (i) are imposed by law;
 - (ii) limit the geographical area in which the goods may be resold; or
 - (iii) do not substantially affect the value of the goods;
- (b) the sale of the goods or the price paid or payable for the goods is not subject to some condition or consideration in respect of which a value cannot be determined;
- (c) any part of the proceeds of any subsequent resale, disposal, or use of the goods by the buyer is to accrue, directly or indirectly, to the seller, the price paid or payable for the goods includes the value of that part of the proceeds or can be adjusted in accordance with regulation 4; and
- (d) the buyer and the seller of the goods are not related at the time the goods are sold for export or, where the buyer and the seller are related at that time —
 - (i) their relationship did not influence the price paid or payable for the goods; or
 - (ii) the importer demonstrates that the transaction value of the goods meets the requirements set out in paragraph (2).

(2) In a sale between related persons, for the purpose of showing that the relationship did not influence the transaction value, the importer may produce evidence that the transaction value of the goods being valued, taking into consideration any relevant factors including such factors and differences as enumerated in paragraph (6), closely approximates the customs value of other goods determined at the same time or substantially at the same time as the goods being valued, being —

- (a) the transaction value of identical goods or similar goods in respect of a sale of those goods for export to Singapore between a seller and a buyer who are not related at the time of the sale;
- (b) the deductive value of identical goods or similar goods determined in accordance with regulation 7; or
- (c) the computed value of identical goods or similar goods determined in accordance with regulation 8.

(3) In any case where the proper officer of customs is of the opinion that the relationship between the buyer and the seller of any goods influenced the price paid or