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Committee on Customs Valuation

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**INFORMATION ON IMPLEMENTATION AND ADMINISTRATION
OF THE AGREEMENT ON CUSTOMS VALUATION**

CHECKLIST OF ISSUES

PARAGUAY

The following communication, dated 6 May 2021, is being circulated at the request of the delegation of Paraguay.

The delegation of Paraguay hereby submits the following answers to the questions contained in checklist of issues.

1. Questions concerning Article 1:

(a) Sales between related persons:

(i) Are sales between related persons subject to special provisions?

There are no special provisions. The provisions established in Articles 1.1(d) and 1.2(a) and (b) of the WTO Agreement on Customs Valuation apply.

(ii) Is the fact of intercompany prices *prima facie* considered as grounds for regarding the respective prices as being influenced?

No, only the provisions established in the Agreement apply, that is to say, where it is presumed that the relationship on prices is being influenced, the circumstances surrounding the sale will be examined or test values will be applied.

(iii) What is the provision for giving the communication of the aforementioned grounds in writing if the importer so requests? (Article 1.2(a)).

There are domestic regulations (DNA Resolution No. 40/2016)

(iv) How has Article 1.2(b) been implemented?

In accordance with the WTO Agreement on Customs Valuation, and Decree No. 13721/01 establishing supplementary regulations to Laws Nos 260/93 and 444/94 and repealing Decree No. 7403/95.

(b) Price of lost or damaged goods:

Are there any special provisions or practical arrangements concerning the valuation of lost or damaged goods?

Practical arrangements are made, and experts are consulted to carry out the relevant valuations.

2. How has the provision of Article 4 to allow the importer an option to reverse the order of application of Articles 5 and 6 been implemented?

To date, no importers have requested the reversal of the order of application of Articles 5 and 6.

3. How has Article 5.2 been implemented?

This Article has not been implemented as no requests to do so have been made by importers to date.

4. How has Article 6.2 been implemented?

No goods have been valued using the method established in Article 6, and therefore, this Article has not been implemented.

5. Questions concerning Article 7:

(a) What provisions have been made for making value determinations to Article 7?

There are domestic regulations (DNA Resolution No. 40/2016).

(b) What is the provision for informing the importer of the customs value determined under Article 7?

There are domestic regulations (DNA Resolution No. 40/2016).

(c) Are the prohibitions found in Article 7.2 delineated?

Yes, they have been delineated (DNA Resolution No. 40/2016).

6. How have the options found in Article 8.2 been handled? In the case of f.o.b. application, are ex-factory prices accepted?

Paraguay determines the customs value on a c.i.f. border basis, in accordance with the following provisions:

DEC/CMC/MERCOSUR/No. 13/07 – Article 5; and

Decree No. 13.721/01 – Article 9.

7. Where is the rate of exchange published, as required by Article 9.1?

Article 21 of Decree 13.721/01 establishes that the rate of exchange will be provided daily by the Central Bank of Paraguay and published on the website of the National Customs Directorate under the heading "Exchange rates" (*Cotización de Monedas*).

8. What steps have been taken to ensure confidentiality, as required by Article 10?

The confidentiality of all information provided in this capacity for the purpose of customs valuation is guaranteed, in accordance with Article 24 of Decree No. 13.721/01.

9. Questions concerning Article 11:**(a) What rights of appeal are open to the importer or any other person?**

The rights of appeal of importers are guaranteed by the Customs Code and Decree No. 13.721/01.

(b) How is he to be informed of his right to further appeal?

Importers are informed of their right to further appeal in accordance with the regulations in force (DNA Resolution No. 40/2016)

10. Provide information on the publication, as required by Article 12, of:**(a) (i) the relevant national laws;****(ii) the regulations concerning the application of the Agreement;****(iii) the judicial decision and administrative rulings of general application relating to the Agreement;****(iv) general or specific laws being referred to in the rules of implementation or application.**

National laws and decrees are published in the Official Journal of the Republic of Paraguay. The regulations and administrative provisions on the application of the Agreement are published on the website of the National Customs Directorate.

(b) Is the publication of further rules anticipated? Which topics will they cover?

Not for the moment.

11. Questions concerning Article 13:**(a) How is the obligation of Article 13 (last sentence) being dealt with in the respective legislation?**

Compliance is ensured through the provisions established in Decree No. 4672/2005, Customs Code regulations.

(b) Have additional explanations been laid down?

No.

12. Questions concerning Article 16**(a) Does the respective national legislation contain a provision requiring customs authorities to give an explanation in writing as to how the customs value was determined?**

Yes, in domestic regulations.

(b) Are there any further regulations concerning an above-mentioned request?

There are no further regulations.

13. How have the Interpretative Notes of the Agreement been included?

The Interpretive Notes have been included as a key part of the WTO Customs Agreement, in accordance with Article 2 of Decree No. 13.721/01.

14. How have the provisions of the Decision on the Treatment of Interest Charges in the Customs Value of Imported Goods been implemented?

In accordance with Decision No. 3.1 of the WTO Committee on Customs Valuation, included in Article 11 of Decree No. 13.721/01.

15. For those countries applying paragraph 2 of the Decision on the Valuation of Carrier Media Bearing Software for Data Processing Equipment, how have the provisions of this paragraph been implemented?

To determine the customs value of imported carrier media bearing data or instructions, paragraph 2 of Decision 4.1 of the WTO Committee on Customs Valuation is applied, which has been incorporated into domestic legislation through Article 20 of Decree No. 13721/01.
