1. At its meeting of October 1975 the Sub-Group "Customs Matters" dealing with questions of customs valuation invited participants to transmit to the secretariat in writing by 31 January 1976 specific comments on the following points (MTN/NTM/7, paragraphs 2 and 3 and GATT/AIR/1226, paragraph 1):

   (a) judicial and administrative review procedures;
   (b) publication of laws, regulations and administrative decisions;
   (c) precise and fair handling of non-arm's length transactions;
   (d) neutrality of valuation system/systems.

2. A communication from Spain has been received and is reproduced hereunder.

3. Delegations which have not yet submitted their comments are invited to do so without delay.

In response to the invitation addressed to delegations participating in the Sub-Group "Customs Matters" of the Group "Non-Tariff Measures" of the Trade Negotiations Committee, I have pleasure in informing you of the system applied in my country with regard to the matters referred to in paragraphs 2 and 3 of document MTN/NTM/7 and paragraph 1 of GATT/AIR/1226.

   (a) Judicial and administrative review procedures

   On 12 February 1973, Spain accepted the recommendation of the Customs Co-operation Council dated 6 June 1967, which provides for the possibility of
an appeal to a competent authority on the part of any person who considers
himself prejudiced by a decision or a measure taken by the customs authorities.

Under the Spanish legislation any such appeal, in cases involving a sum not
exceeding 500,000 pesetas, is dealt with, at the purely administrative level by
the Customs Arbitration Boards. An appeal against the decisions of these Boards
lies, through the procedure for dealing with administrative disputes to the
Audiencia Territorial (territorial court of first instance).

In cases involving sums in excess of 500,000 pesetas, an appeal against the
decisions of the Customs Arbitration Boards may be made to the Central Economic
Administrative Tribunal. An appeal against the decisions of this Tribunal may
be submitted, by the procedure governing administrative disputes, to the
territorial court, from whose decisions an appeal lies to the Supreme Court.

An appeal against the definitive decisions of the territorial courts or of
the Supreme Court may be submitted in specified cases, to the Review Chamber of
the Supreme Court.

(b) Publication of laws, regulations and administrative decisions

The fundamental provision regarding valuation is contained in Appendix VII
of the General Ordinances governing customs receipts, approved by
Decree 2.092/1971 dated 13 August.

Both this Decree and subsequent provisions relating to its application are
published in the Official Gazette of the State, for the information of all
interested persons.

(c) Precise and fair handling of non-arm's length transactions

In all cases in which the customs authority considers it appropriate to
increase the value owing to the existence of business or other relations between
seller and buyer, the importer or his representative makes the submissions which
he considers appropriate and in support thereof produces the documents in his
possession. If he should not be in agreement with the increase proposed by the
customs authority, the interested party may appeal in the manner described in
paragraph (a) above.