Chapter 5 - General Commercial Policy.

Proposal by Canadian Delegation:

Alternative text of Article 18, paragraph 2(a) and addition to Article 21, paragraph 2, and Article 37.

18 2(a)

The value for duty purposes of imported merchandise should be based on the actual value of the imported merchandise on which duty is assessed, and should not be based on the value of merchandise of national origin or on arbitrary or fictitious values.

"Actual value" shall be based on the price at which at a time and place determined by the legislation of the country of importation, and in the ordinary course of trade between independent buyer and seller, such or like imported merchandise in comparable quantities and under similar conditions of sale is sold or offered for sale with price as the sole consideration.

If such actual value be not ascertainable on the basis of the preceding paragraph, then the value for duty purposes should be based on the nearest ascertainable equivalent of such value.

21 2

"Such tribunals or procedures shall be independent of the agencies entrusted with administrative enforcement and their decisions shall be implemented by and shall govern the practice of such agencies unless an appeal is lodged with a court or tribunal of superior jurisdiction within the time prescribed for appeals to be lodged by importers."

37 (1) "Relating to the importation of goods the production of which was prohibited in the country of importation prior to 1 July, 1939."