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1 ARTICLE 8 OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

1.1 Text of Article 8

1. In determining the customs value under the provisions of Article 1, there shall be added to the price actually paid or payable for the imported goods:

- (a) the following, to the extent that they are incurred by the buyer but are not included in the price actually paid or payable for the goods:
 - (i) commissions and brokerage, except buying commissions;
 - (ii) the cost of containers which are treated as being one for customs purposes with the goods in question;
 - (iii) the cost of packing whether for labour or materials;
- (b) the value, ¹ of the imported goods, to the extent that such value has not been included in the price actually paid or payable:
 - (i) materials, components, parts and similar items incorporated in the imported goods;
 - (ii) tools, dies, moulds and similar items used in the production of the imported goods;
 - (iii) materials consumed in the production of the imported goods;
 - (iv) engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in the country of importation and necessary for the production of the imported goods;
- (c) royalties and licence fees related to the goods being valued that the buyer must pay, either directly or indirectly, as a condition of sale of the goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable;
- (d) the value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues directly or indirectly to the seller.

2. In framing its legislation, each Member shall provide for the inclusion in or the exclusion from the customs value, in whole or in part, of the following:

- (a) the cost of transport of the imported goods to the port or place of importation;

¹ See [G/PSI/IE/R/2](#).

those elements available in the public domain, other than the cost of obtaining copies of them.

3. The ease with which it may be possible to calculate the values to be added will depend on a particular firm's structure and management practice, as well as its accounting methods.

4. For example, it is possible that a firm which imports a variety of products from several countries maintains the records of its design centre outside the country of importation in
4 . 4.

1.4 Article 8.1(b)(iv)

2. At its meeting of 12 May 1995, the Committee on Customs Valuation adopted the decision of the Tokyo Round Committee on Customs Valuation relating to the interpretation of the term "undertaken" used in Article 8.1(b)(iv).³

3. At the same meeting, the Committee on Customs Valuation adopted the decision of the Tokyo Round Committee on Customs Valuation relating to the linguistic consistency of the item "development" in Article 8.1(b)(iv).⁴

4. In 2014, the Director General initiated a procedure to rectify the authentic Spanish and English versions of Article 8.1(b)(iv).⁵

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date from which they will apply the Decision. The WTO Secretariat maintains a report listing the notifications received from Members. This report is available in document [G/VAL/W/5/Rev.35](#).

³ [G/VAL/M/1](#), paras. 66-67. See also [G/VAL/W/1](#), Section A.1. The text of the decision can be found in [G/VAL/5](#), Section A.1.

⁴ [G/VAL/M/1](#), paras. 66-67. See also [G/VAL/W/1](#), Section A.2. The text of the decision can be found in [G/VAL/5](#), Section A.2.

⁵ [WT/Let/980](#), [WT/Let/986](#), [WT/Let/1126](#), and [WT/Let/1157](#). See also [G/VAL/W/240](#), [G/VAL/M/59](#), and [G/VAL/M/61](#).