

D e c i s i o n

APPROVED
by the Decision of the Collegium of the Eurasian
Economic Commission
of 20 December 2012 No. 283

**The Rules
of Application of Methods on Determination of Customs Value of Goods According to the
Transaction Value of Imported Goods (Method 1)**

I. General Provisions

1. These Rules shall be used in the application of the Method of determination of the customs value of goods according to the transaction value of imported goods (Method 1), established by Article 4 of the Agreement “On the Determination of Customs Value of Goods, Transferred across the Customs Border of the Customs Union” of 25 January 2008 (hereinafter: Agreement).

2. These Rules are based on the provisions of the Agreement, the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, including the Interpretative Notes thereto, as well as the materials of the Technical Committee on Customs Valuation of the World Customs Organization with the aim to ensure a uniform application of the Method 1.

3. The customs value of goods imported into the common customs territory of the

actually paid, the payable price for the goods in accordance with the sale and purchase transaction shall be used.

II. Conditions of Use of the Method 1

6. In cases where imported goods are not subject of contract of sale, the Method 1 shall not be applied for the purpose of determining the customs value.

In particular, such cases might be when importing goods into the customs territory of the Customs Union:

by gratuitous contracts, especially by deeds of gift, gratuitous supply (for example, the contract of gratuitous supply of advertising, exhibition samples);

by lease contracts;

by intermediary contract, especially under the commission agreement, consignment agreement, agency agreement that are not contain the price at which goods are sold for export to the customs territory of the Customs Union;

by loan agreements, trade credit, for which the goods or equivalent of the goods returned to the owner;

for the examination, assessment (confirmation) of compliance (including research, testing, checking, experimentation, and display the properties and characteristics);

as a contribution to the charter capital (fund).

7. The customs value of imported goods in accordance with paragraph 3 of Article 2 and paragraph 3 of Article 5 of the Agreement shall be determined by the Method 1 under the availability of reliable, quantifiable and documented information, including the information needed to confirm the price actually paid or payable, and implementation of additional charges to this price.

8. The customs value of imported goods shall be determined by the Method 1 under the following conditions provided in paragraph 1 of Article 4 of the Agreement:

a) absence of restrictions on the rights of the buyer for the use and disposal of goods.

Thus, there may be a transaction under which the customer is limited in its rights to these goods despite the fact that he is a new owner of the goods.

Restrictions on the rights of the buyer for the use and disposal of imported goods shall not preclude the application of the Method 1, if such restrictions:

are set by a joint decision of the Customs Union's Bodies;

limit the geographical area in which the goods may be resold;

do not significantly influence the value of the goods.

Example: The seller requires that the buyer ~~will not~~ sell cars or ~~will not~~ show them until the date specified as the launch ~~sales~~ of the model. This ~~restriction~~ does not significantly influence the value of cars, ~~the~~ Method 1 is applicable.

In all cases, when the result of the analysis of this transaction revealed the presence of restrictions on the rights of the buyer for the use and disposal of imported goods, the main criterion for determining the applicability of the Method 1 shall be the nature (entity) of this restriction and its influence on the price actually paid or pa

III. Additional charges to the price actually paid or payable for the imported goods

9. In determining the customs value of imported goods by the Method 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 imported goods:

- remuneration to intermediaries (agents) and brokers fees, except fees for the purchase, paid by the buyer to the agent (intermediary) for providing services of its representation abroad related to the purchase of the imported goods;

- the cost of containers which are treated as being one for customs purposes with the goods in question;

- the cost of packing whether for labour or materials;

b) the value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the buyer free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods to the customs territory of the Customs Union, to the extent that such value has not been included in the price actually paid or payable:

- Raw materials, materials, components, semi-manufactured goods and similar goods incorporated in evaluated (imported) goods;

- Tools, dies, moulds and similar goods used in the production of evaluated (imported) goods;

- Materials consumed in the production of evaluated (imported) goods;

- Engineering, development, engineering and construction works, artwork, design, drafts and sketches undertaken outside the customs territory of the Customs Union and necessary for the production of evaluated (imported) goods.

c) 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.

d) the cost of transport (transportation) of goods to the airport, port or other place of entry into the customs territory of the Customs Union;

e) the cost of handling goods and other operations associated with the transport (transportation) to the airport, port or other place of entry into the territory of the Customs Union;

f) the cost of insurance related to the operations mentioned in subparagraph “d” and “e” of this paragraph.

g) royalties and licence fees (including payments for patents, trademarks, copyrights) related to the imported goods that the buyer must pay or will have to pay, either directly or indirectly, as a condition of sale of the imported goods, to the extent that such royalties and fees are not included in the price actually paid or payable for the imported goods.

element. Once a value has been determined for the element, it is necessary to apportion that value to the imported goods in one of the following ways:

- the value might be apportioned to the first shipment of the imported goods;
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