

**REGULATION
ON THE RULES AND PROCEDURES FOR CUSTOMS
VALUATION
(Official Gazette 17/2000)**

**Article 1
(Contents)**

This Regulation shall prescribe the special rules and procedures for customs valuation during customs clearance of goods imported in the Republic of Macedonia.

**Article 2
(Definition of Notions)**

- (1) The terms mentioned below have the following meaning in this Regulation:
- “produced goods” includes goods manufactured, processed, grown and mined;
 - “identical goods” means goods produced in the same country, which are the same in all respects, including physical characteristics, quality and reputation. Minor differences in appearance shall not preclude goods otherwise conforming to the definition from being regarded as identical;
 - “similar goods” means goods produced in the same country which, although not alike in all respects, have like characteristics and like component materials which enable them to perform the same functions and to be commercially interchangeable at the same or approximate time;
 - “goods of the same class or kind” means goods, which fall within a group or range of goods, produced by a particular industry or industry sector, and includes identical or similar goods.

(2) In determining whether goods are similar, factors to be considered shall be their quality, reputation and the existence of a trademark.

(3) “Identical goods” and “similar goods” shall not include goods which incorporate or reflect engineering, development, artwork, design work, plans and sketches for which no adjustment has been made under Article 32, paragraph 1, item 10 of the Customs Law, because such services were rendered in the Republic of Macedonia.

**Article 3
(Transaction Value)**

- (1) The expression “price actually paid or payable”, (agreed price) pursuant to Article 28 paragraph 2 of the Law on Customs means the total payments, performed or to be performed by the buyer towards the seller or another person appointed by him/her, which are the main condition for selling the imported goods.

- (2) Payments pertaining to paragraph 1 of this Article do not only include transfer of money, but also payments with letters of credit and other payment instruments in a direct or indirect manner.
- (3) Activities, including advertising activities undertaken by the buyer on his/her account which are different from those mentioned in Article 32 of the Law on Customs shall not be considered as indirect payment towards the seller, although they might also contribute to the sales and that is reason why the expense for their realization shall not be added to the prices actually paid or payable.

Article 4

(Classification of Value in Cases of Partial Shipments or Partial Loss or Damage of Shipments)

- (1) In case when the declared goods for release in the free circulation are part of a larger quantity of the same goods supplied through only one transaction, the price actually paid or payable pursuant to Article 28 paragraph 2 of the Law on Customs shall be that price represented by the proportion of the total price and corresponds to the proportion between the quantity of the declared goods and the total quantity of the supplied goods.
- (2) Apportioning the price actually paid or payable shall also apply in the case of loss or damage of a part of the consignment before entry into free circulation.
- (3) In case of damage of goods according to Article 38 paragraph 2 of the Law on Customs, the compensation percentage that the customs body may accept shall be the percentage of the damage recognized in the procedure for obtaining compensation on the basis of insurance.

Article 5

(Consideration of Foreign Charges)

When the price actually paid for goods which customs value is to be determined, contains the amount of national charges of the country of origin or the exporting country, that amount shall not be calculated in the customs value of goods, provided that a proof is presented to the customs body showing that the goods have been or will be exempted from these charges for the benefit of the buyer.

Article 6

(Consideration of Invoices)

- (1) When applying Article 68 paragraph 2 of the Law on Customs, the goods shall be considered as purchased for importation in the Republic of Macedonia if they are declared as goods entered into free circulation in the Republic of Macedonia. In cases of multiple sales of goods before their introduction into the customs area of

the Republic of Macedonia, only the last sale before the introduction in the customs area shall be taken into consideration.

- (2) Where goods are used in a third country between the time of sale and the time of entry into free circulation the customs value need not be the transaction value.

Article 7 **(Costs and Expenditures After the Importation)**

The customs value does not encompass the costs and expenditures pertaining to Article 37 paragraph 4 of the Law on Customs if they are separated with an agreement from the price actually paid or payable for the imported goods.

Article 8 **(The Impact from Limiting the Right to Dispose With the Goods)**

Limitations for buyers which do not have a substantial impact on the value of goods that are imported, but which refer to the right to dispose or use the goods pursuant to Article 28 paragraph 3 item 3 of the Law on Customs are the following:

1. Limitation for the buyer not to advertise, present or re-sale goods up to a certain time period.
2. Limitations, which determine the geographic area in the frames of which the goods may be further sold.

Article 9 **(Not Determined Conditions and Obligations for Selling)**

- (1) It shall be considered that the purchasing contract contains conditions or obligations due to which the customs value of imported goods, is not possible to be determined on the basis of the transaction value pursuant to Article 28 paragraph 3 item 4 of the Law on Customs, if:
 1. The salesman determines the price of imported goods under the condition the buyer to buy other goods in a set quantity.
 2. The price of imported goods depends on the prices according to which the buyer sells other goods to the salesman of imported goods.
- (2) If the customs body, when determining the customs value pursuant to Article 28 paragraph 3 item 4 of the Law on Customs concludes that the sale or the price of imported goods depends on the conditions or obligations which value may not be determined with respect to the imported goods, that value shall be considered as indirect payment from the buyer to the seller and shall represent a part of the price which is actually paid or payable.
- (3) Conditions or obligations which value may not be determined with respect to the imported goods, shall be the following:
 1. Activities which the buyer perform for his/her own account

2. The value of services, which according to Article 32 paragraph 1 item 10 need to be added to the price actually paid.

Article 10

(Activities, which the buyer undertakes for his/her own account)

- (1) Activities, which the buyer undertakes for his/her own account, shall be all the activities related to advertising and promotion of the sales, as well as activities related to guarantees for imported goods.
- (2) Such activities undertaken by the buyer shall be considered as activities undertaken for own account even if they are performed in compliance with the obligations of the buyer according to the agreement with the seller.

Article 11

(Assets from further sale)

The transaction value shall be accepted as customs value in spite of the existence of income from the sale or other types of disposal with goods, pursuant to Article 28 paragraph 3 item 5 of the Law on Customs, if the customs value is increased for the part of the amount obtained from the re-sale, concession or giving the imported goods for use, pursuant to Article 32 paragraph 1 item 9 of this Law.

Article 12

(Relation Between the Buy and Seller)

- (1) The buyer and seller pursuant to Article 28 paragraph 3 item 6 of the Law on Customs shall be mutually related if:
 1. They are officers or managers of mutually related business entities
 2. They are registered as business partners
 3. They are in a relation employer-employee
 4. Any person directly or indirectly possesses or controls 5 or more percents of stocks with a voting right or shares in both entities
 5. The seller indirectly or directly controls the buyer or vice versa.
 6. They are in kinship to the fourth degree
 7. Both of them are directly or indirectly controlled by a third party.
 8. They together, directly or indirectly control a third party.
- (2) If the buyer is an exclusive representative of the seller, i.e. if the seller is an exclusive representative of the buyer, regardless of the manner in which it is stated in the agreement, it shall be considered that they are both mutually related if some of the conditions pertaining to paragraph 1 of this Article are fulfilled.
- (3) A relation between parties of which one has so great influence over the other, so that the other may not independently form the prices and perform calculations, shall be considered as a control of one party over the other.

- (4) Agreements for licenses shall not be considered as mutual relation.

Article 13
(Influence of Mutual Relations Over the Price)

- (1) The fact that the buyer and seller are mutually related pursuant to Article 12 of this Regulation may not be a reason enough for not accepting the transaction value.
- (2) The customs house pertaining to Article 28 paragraph 3 item 6 of the Law on Customs shall start determining the influence of mutual relation over the transaction value only if it suspects that the price has been influenced by the mutual relations between the buyer and seller.
- (3) If the buying is performed between two mutually related parties pursuant to Article 12 of this Regulation, the transaction value for the goods shall be accepted if:
 1. It is similar to the transaction value for identical or similar goods sold for imports in the Republic of Macedonia at the same or approximately same time and if there is no mutual relation between the buyer and seller.
 2. If it similar to the determined customs value for identical or similar goods according to the provision to Article 39 paragraph 1 item 1 of the Law on Customs.
- (4) When comparing the value of goods pertaining to paragraph 3 of this Article, the commercial level of sale and quantity of goods shall be taken into consideration, as well as the costs anticipated in Article 32 of the Law on Customs.
- (5) Comparisons between the values of goods pertaining to paragraph 3 of this Article shall be made upon request of the customs payer and shall serve only for comparison purposes.

Article 14
(Applying the Transaction Value to Identical and Similar Products)

- (1) Pursuant to Article 29 paragraph 1 and 2 of the Customs Law, customs value shall be determined by reference to the transaction value of goods produced by the same manufacturer, or if such a price does not exist, the price of goods manufactured by another manufacturer.
- (2) If such transaction value, for identical or similar goods that have been in a sale at the same commercial level or in substantially the same quantity as the goods being imported, does not exist when determining the customs value according to Article 29 paragraph 3 of the Law on Customs, the transaction value for identical

or similar goods sold at a different commercial level or in different quantities shall be used as reference as follows:

1. At the same commercial level of sale, but different quantities;
 2. At different commercial level of sale, but in an approximately similar quantities;
 3. At different commercial level of sale and different quantities.
- (3) The transaction value for identical or similar goods sold at a different commercial level or quantities pertaining to paragraph 2 of this Article shall be adjusted with the amount of the difference related to the commercial level of sale and/or quantity, under condition the adjustment to be performed on the basis of evidence which allow for correct and detailed adjustments, regardless if they increase or decrease the value.
- (4) If the transaction value encompasses the costs pertaining to Article 32 paragraph 1 item 4 of the Law on Customs, when making the adjustments the substantial differences in the costs between the imported and appropriate identical or similar goods, which result from the differences in the distance and type of transportation, must be taken into account.
- (5) If more transaction values occur for identical or similar goods when applying the provisions pertaining to this Article, the lowest one shall be taken for determining the customs value of the imported goods.
- (6) The transaction value of imported identical or similar goods is actually the customs value determined according to Article 28 of the Law on Customs, and in compliance with paragraphs 3 and 4 of this Article.

Article 15 **(Deductive Method)**

- (1) As unit price at which, the imported goods, i.e. identical or similar goods are sold in the Republic of Macedonia in the greatest aggregate quantity pursuant to Article 30 paragraph 1 item 1 of the Law on Customs, shall be considered the price at which the greatest total number of units of goods are sold to persons who are not related to the persons from whom they buy such goods, during the first sale after the performed importation.
- (2) For determining the customs value pertaining to paragraph 1 of this Article, the unit price at which the goods have been imported, i.e. identical or similar goods shall not be taken into account, if the buyer provides the seller with goods or services anticipated by Article 32 paragraph 1 items 5, 6, 7 and 10 of the Law on Customs, directly or indirectly, free of charge or at a discount price.
- (3) If neither the imported goods nor identical nor similar imported goods have been sold at or about the time of importation of the goods being valued, the customs

value of the imported goods pertaining to this paragraph shall be determined on the basis of the unit price at which the imported goods or identical or similar imported goods will be sold in the Republic of Macedonia in the largest aggregate quantity as first sale after the importation of goods, which value are being determined, but not later than 90 days after the importation and in a condition in which they were imported.

- (4) As expenses from the sales and other profit pursuant to Article 30 paragraph 1 item 1 of the Law on Customs for which the unit price of goods that are imported will be deducted shall be considered the sales expenses and other profit that are common in the sales in the Republic of Macedonia for imported goods of the same class and kind.
- (5) As expenses from sales pertaining to paragraph 4 of this Article shall be considered both direct and indirect costs of marketing of goods.

Article 16 **(Method of Computed Value)**

- (1) The customs value according to the method of computed value shall be determined according to the data at disposal in the Republic of Macedonia.
- (2) If the customs value is determined on the basis of the computed value pursuant to Article 30 paragraph 1 item 2 of the Law on Customs, data about elements, which constitute the computed value, shall be obtained from the producer through the customs payer. The Customs Administration of the Republic of Macedonia shall check these data abroad with the authorized bodies of that particular country.
- (3) If for the purpose of determining the customs value, beside the data stated by the producer, other data are used as well, the customs body shall inform the declarant upon his/her request about the used data, their source and calculations made on that basis.
- (4) The expenses pertaining to Article 32 paragraph 1 item 1 and 3 of the Law on Customs, as well as the direct and indirect costs for production and sales of goods for import, which are not included in Article 30 paragraph 1 item 2 sub-item 1 of the Law on Customs shall be considered as value of material and expenses pursuant to Article 30 paragraph 1 item 2 sub-item 1 of the Law on Customs. In this category are also included goods and services stated in Article 32 paragraph 1, items 5, 6 and 7 of the Law on Customs.
- (5) The value of services stated in Article 32 paragraph 1 item 10 of the Law on Customs, which are performed in the Republic of Macedonia shall be included in the customs value only if they are paid by the producer.

Article 17
(Application of Data at Disposal)

- (1) The previously determined customs values for identical, i.e. similar goods that are imported shall be considered as data at disposal on the basis of which, the customs value shall be determined pursuant to Article 31 paragraph 1 of the Law on Customs.
- (2) Determination of the customs value pursuant to paragraph 1 of this Article shall be made by using the methods of valuation anticipated in the provisions of Article 28 through 30 of the Law on Customs.
- (3) Upon request of the customs payer, the customs body shall issue a written announcement regarding the manner of determination of the customs value pursuant to this Article.

Article 18
(Place of Introduction in the Customs Area)

- (1) When determining the customs value, the customs house shall first check if all the expenses and costs, which occurred as a result of the sale and delivery of goods to the place of introduction in the customs area of the Republic of Macedonia, are included in compliance with Article 28 paragraph 3 item 1 of the Law on Customs.
- (2) If the goods are transported by air, the place of unloading of goods in the airport opened for international traffic shall be considered as a place of introduction of goods in the customs area of the Republic of Macedonia, while in cases of transportation with other means of transport – the border crossing opened for international traffic.
- (3) In the postal traffic, the post office, which is a place of destination, shall be considered as a place of introduction in the customs area.

Article 19
(Transportation Costs)

- (1) If the transportation costs in the documents for customs clearance are calculated to the place of delivery inside the customs area of the Republic of Macedonia, the transportation costs from the place of introduction in the customs area of the Republic of Macedonia to the place of delivery shall not be calculated in the customs value.
- (2) When the goods are transported by the same mode of transport to a point beyond the place of introduction to the customs area of the Republic of Macedonia, the transportation costs shall be calculated proportionally to the distance covered

- outside and inside the customs area of the Republic of Macedonia, unless evidence is presented to the customs bodies to show the costs that would have been incurred under a general compulsory schedule of freight rates for transport of goods to the place of introduction into the customs area of the Republic of Macedonia.
- (3) Where the goods are delivered and invoiced at a uniform price which corresponds to the price at the place of introduction into the customs area of the Republic of Macedonia and the price fits to the price to the place of introduction into the customs area, the transportation costs inside the customs area shall not be deducted from that price. Such deduction shall be allowed only if evidence is produced to the customs body that the price at the place of introduction into the customs area would be lower than the uniform price to the place inside the customs area.
- (4) Where the transportation costs to the place of delivery are agreed and if the amount of those costs from the place of introduction into the customs area of the Republic of Macedonia to the place of delivery may not be determined from the agreement and other submitted documents, the total transportation costs shall be calculated in the customs value.
- (5) The postal costs for goods, which are transported through the postal traffic to the destination place, shall be completely calculated in the customs value. These costs shall not be calculated in the customs value of goods, which importation is of non-commercial.
- (6) If the goods are transported free of charge or by means of transportation which are present in the regular traffic (own vehicles and other), the transportation costs shall be calculated according to the transport tariffs which are valid for the relevant type of transport of goods in the regular traffic. The person who submits the declaration shall also submit evidence for the calculated costs.

Article 20
(Costs for Equipment Purchased and Used Abroad)

If the imported equipment was purchased and used by domestic companies in construction sites abroad, only the transportation costs from the construction site abroad to the place of introduction in the customs area in the Republic of Macedonia shall be calculated in the customs value.

Article 21
(Costs During Importation of Vessels and Aircrafts)

If vessels and aircrafts are imported, only the real and necessary costs for transportation of the vessel or aircraft from the port or airport to the place of introduction

in the customs area of the Republic of Macedonia shall be calculated in the customs value.

Article 22 (Insurance Costs)

If the insurance contract or other documentation does not contain the exact amount of insurance costs until the introduction into the customs area of the Republic of Macedonia, the whole amount of insurance costs shall be calculated in the customs value.

Article 23 (Commissions)

- (1) Pursuant to Article 32 paragraph 1 item 1 of the Law on Customs, all brokerage commissions on sale of goods (agency, brokerage, representative, consignment, fee, forwarding and other commission), as well as other commissions on insurance and delivery of goods and similar services, which are paid to brokers abroad, if not calculated in the paid or payable price, shall be calculated in the customs value.
- (2) Commission, which the buyer pays for brokerage when buying goods, shall not be calculated in the customs value if stated separately. Such commission represents the costs of the buyer for paying his/her representative abroad, for buying the goods which value is to be determined.

Article 24 (Packing)

- (1) Expenses for external and internal standard packing of goods, in which they are imported (chests, barrels, card boxes, bags and sacks), shall be calculated in the customs value of goods which are imported, even if the packing is free of charge.
- (2) Expenses for external and internal standard packing of goods, which are shipped separately, and expenses for packing manufactured out of non-standard material, i.e. special order (suitcases, bags, packing from precious materials, specially manufactured) shall not be calculated in the customs value of goods, which are delivered in that packing.
- (3) Packing pertaining to paragraph 2 of this Article shall be cleared through customs according to the transaction value for such packing.
- (4) If goods are delivered in packing which is not sold together with the goods and which is returned abroad, the transportation costs, insurance, amortization and other costs related to the returning of the packing abroad shall be calculated in the customs value of goods delivered in that packing.

Article 25

(Raw Materials, Components and Other Goods Provided to the Seller by the Buyer)

- (1) Goods which are provided to the seller by the buyer pursuant to Article 32 paragraph 1 item 5 of the Law on Customs shall be considered as being supplied from abroad, if the supply is made in any country abroad, including the country of the seller.
- (2) If the buyer provides the seller with goods pertaining to paragraph 1 of this Article free of charge, the price at which the buyer has bought those goods from a seller with whom s/her is not related, shall be calculated in the customs value of imported goods.
- (3) If the buyer provides the seller with goods pertaining to paragraph 1 of this Article at a discount price, the amount, which is actually the difference between the price at which the goods have been supplied and the price at which they have been sold to the seller, shall be calculated in the customs value of imported goods.
- (4) If the goods pertaining to Article 32 paragraph 1 item 6 of the Law on Customs have been produced by the buyer, the production costs shall be included and calculated in the customs value of imported goods.
- (5) Goods pertaining to Article 32 paragraph 1 item 5 of the Law on Customs shall be considered as goods pertaining to Article 32 paragraph 1 item 6 of the Law on Customs provided that those have not been supplied from abroad, as well as the used materials.
- (6) If the buyer provides the seller with products pertaining to paragraph 5 of this Article, the value of products according to the provisions pertaining to paragraphs 2, 3 and 4 of this Article shall be calculated in the customs value.
- (7) The value determined for goods pertaining to this Article, which the buyer has provided to the seller, needs to be proportionally distributed according to the quantity of imported goods and that proportional part to be included in the customs value of imported goods.
- (8) The criteria for distribution shall depend on the achieved agreement between the customs body and participants in the customs procedure and the submitted documentation.
An example of criteria for distribution may be the inclusion of the total value of products pertaining to this Article in the value of the first shipment or distribution of the value of goods pertaining to this Article in the total quantity, which will be imported in several shipments.

Article 26
(Costs for Tools, Templates, Matrices, and alike)

- (1) The value of goods pursuant to Article 32 paragraph 1 item 7 of the Law on Customs shall be determined in compliance with the provision pertaining to paragraphs 2, 3 and 4 of Article 25 of this Regulation.
- (2) If the buyer used the goods pertaining to this Article before giving them to the seller for his/her disposal, an appropriate amount for the purposes of amortization shall be deducted from the price.
- (3) The buyer shall be considered to have provided the goods free of charge or at a discount price pursuant to Article 32 paragraph 1 item 7 of the Law on Customs, if the supply has been made in any country abroad, including the country of the seller or if the goods have been definitely cleared for export.
- (4) A proportional amount of the value of goods used in the production of imported goods, and which are calculated in the customs value of imported goods pursuant to Article 32 paragraph 1 item 7 of the Law on Customs shall be the amount of transferred value of those goods on the imported goods.

Article 27
(Copyrights, Licenses, Patents, Models, Trade Marks, Foreign Trade and Manufacturers' Marks)

The fees and expenses from Article 32 paragraph 1 item 8 of the Customs Law shall be added to the customs value of the imported goods, if they refer to the imported goods and the buyer pays for them directly or indirectly, as a condition for the sale of the said goods.

Article 28
(Provisions concerning Royalties and License Fees)

- (1) For the purposes of Article 32 paragraph 1 item 8 of the Customs Law, royalties and license fees shall mean payment for the use of rights relating:
 1. to the manufacturing of imported goods (patents, designs, models and know-how);
 2. to the resale for exportation of imported goods (trade and service marks, registered designs);
 3. to the use or resale of imported goods (in particular, copyright and manufacturing processes inseparably embodied in the imported goods).
- (2) When the customs value of imported goods is determined pursuant to Article 28 of the Customs Law, a royalty or license fee shall be added to the price actually paid or payable only if this payment:

- is related to the goods being valued;
- constitutes a condition of sale of those goods.

(3) A fee for the right of distribution and further sale of the imported goods shall not be added to the price actually paid unless it constitutes a condition of sale of exported goods to be imported in the customs territory.

(4) When the imported goods are only an ingredient or accessory of goods manufactured in the customs territory, a license fee may only be added to the price actually paid when the license fee relates to the imported goods.

(5) Where goods are imported in an unassembled state or only have to undergo minor processing before resale (such as diluting or resale), this shall not prevent that a license fee be considered related to the imported goods.

(6) If license fees relate partly to the imported goods and partly to other ingredients or accessories added to the goods after their importation, or to post-importation services, an appropriate apportionment shall be made only on the basis of objective data.

(7) A license fee in respect of the right to use a trade mark is only to be added to the price actually paid for the imported goods where:

- the license fee refers to goods which are resold in the same state or which are subject only to minor processing after importation;
- the goods are marketed under the trade mark, affixed before or after the importation, for which a license fee is paid;
- the buyer is not free to obtain such goods from other suppliers unrelated to the seller.

(8) When the buyer pays a license fee to a third party, the conditions provided in paragraph 2 of this Article shall not be considered as met unless the seller or a person related to him/her requires the buyer to make that payment.

(9) Where the method of calculation of the amount of a license fee derives from the price of the imported goods, it may be assumed, in the absence of evidence to the contrary, that the payment of that license fee is related to the goods to be valued.

(10) However, where the amount of a license fee is calculated regardless of the price of the imported goods, the payment of that license fee shall directly relate to the goods to be valued.

(11) In applying Article 32 paragraph 1 item 8 of the Customs Law, the country of residence of the recipient of the payment of the license fee shall not be a material consideration.

Article 29

(Customs Value of Goods Imported by Macedonian or Foreign Citizens)

(1) Goods directly imported or received from abroad by Macedonian and foreign citizens shall be valued on the basis of the price actually paid for new goods in conformity with Article 28 paragraph 2 of the Law on Customs, and by adding the costs and other expenses in conformity with Article 28 paragraph 3 subparagraph 1 of the same Law, provided the said costs and expenses were not added to the price paid.

(2) Should the price paid for imported goods not include costs and other expenses related to the sale and the delivery of the goods to the place of destination in the customs territory of the Republic of Macedonia, such costs and expenses shall be added to the customs value and shall be calculated on the basis of the expenses actually paid, that is the actual cost of transportation and delivery to the place of destination in the customs territory.

(3) The customs value of goods directly imported by Macedonian and foreign citizens shall also include the expenses under article 32 paragraph 1 items 1 and 4 of the customs Law, if paid separately.

Article 30

(Customs Value of Leased Goods)

Temporarily imported leased goods and imported goods under a lease-purchase agreement shall be valued upon commencement of the procedure for temporary import of leased goods or goods under a lease-purchase agreement pursuant to the provisions governing customs value of Articles 28 through 32 of the Law on Customs and the provisions of this Regulation.

Article 31

(Customs Value of Certain Media for Use in ADP Equipment)

(1) In determining the customs value of imported carrier media bearing data or instructions for use in data processing equipment, only the cost or value of the carrier medium itself shall be taken into consideration, provided that the cost or value of the data or instructions is distinguished from the cost or value of the carrier medium in question.

(2) For the purposes of this Article:

1. the expression “carrier medium” shall not be taken to include integrated circuits, semiconductors and similar devices or articles incorporating such circuits or devices;
2. the expression “data or instructions” shall not be taken to include sound, cinematographic or video recordings.

Article 32
(Customs Value of Goods in a Simplified Procedure in Regard to Customs Declaration)

Goods subject to the simplified procedure in regard to customs declaration under Article 72 of the Customs Law, which may be marketed without an inspection performed by customs authorities, may be valued prior to the delivery to the customs declarant in compliance with the provisions pertaining to customs valuation under Articles 28 through 39 of the Law on Customs and the provisions of this Regulation.

Article 33
(Customs Value of Processed Goods)

Customs value of the processed goods under Article 198 paragraph 1 of the Law on Customs for which a customs declaration for free circulation is issued, shall be established according to the choice of the customs declarant on the basis of the following values, at the moment of receipt of the customs declaration for free circulation of the said products:

1. The customs value of identical or similar goods produced in another country, established at the same or approximately same time.
2. The purchase price in the country of processing provided that such price is not affected by the relations between the buyer and the seller.
3. The purchase price of identical and similar goods at the domestic market provided that such price is not affected by the relations between the buyer and the seller.
4. The customs value of imported goods to which the costs of processing are added.

Article 34
(Acceptability of the Transaction Value)

- (1) Customs authorities shall not value imported goods on the basis of a transaction value when under paragraph 2 of this Article if they suspect that the declared transaction value does not correspond to the to the price actually paid or payable pursuant to Article 28 of the Law on Customs.
- (3) In the suspicious cases from paragraph 1 of this Article, the customs authorities may require additional information to be provided. Nevertheless, should the suspicion remain, the customs authorities shall, prior to making a final decision and upon request of the declarant inform the declarant in writing of the reasons for suspicion and set a time limit for submission of clarifications. The customs authorities shall inform the declarant in writing of the final decision and the reasons therefore.

Article 35

(Reporting Customs Value and Documentation to be Furnished)

(1) When determining customs value in compliance with Articles 29 through 39 of the Law on Customs, information necessary for correct customs valuation shall be reported together with the customs declaration.

(2) Customs value is reported in a DCV (Declaration for Customs Valuation) form hereto enclosed as Appendix 1, constituting an integral part of this Regulation.

The CVD form consists of two sheets of which the first provides information on establishing customs value and the second provides figures essential to determining customs value.

If in a set of import ECD goods are declared in more than three titles, the DCV shall be supplemented with one or more DCV – bis forms, hereto enclosed as Appendix 3, in order to ensure that all titles in the import ECD set are covered.

The DCV and the DCV-bis forms are made of self-copying paper weighing 55 gr/m² with dimensions 210 x 297 mm, in two copies. The customs authorities administering the import procedure shall keep the first copy, while the second copy shall be given to the person filing the ECD for import.

Data related to customs value may also be reported orally in the cases when customs regulations allow oral declaration.

(3) In applying paragraph 1 of this Article, customs value may only be declared by the persons listed in Article 60 of the Customs Law.

(4) If customs value of goods cannot be determined in compliance with Article 28 of the Customs Law, the customs authorities may waive the requirement for submission of the DCV. In such a case, the person from paragraph 3 of this Law must report or submit to the customs authorities all information required by the customs authorities for establishing the customs value pursuant to the pertinent article in the Law on Customs. All information must be submitted to the customs authorities in the manner and form prescribed by the customs authorities.

(5) The person from paragraph 3 of this Law shall guarantee:

- a) the accuracy and completeness of the information given in the DCV;
- b) the authenticity of the documents referred to in the DCV;
- c) any additional information or document necessary to establish the customs value of the goods.

Article 36

(Waiver of the Requirement to Submit the DCV)

- (1) Except where it is essential for the correct calculation of the customs duties, the customs authorities shall waive the requirement for submission of the DCV by the declarant in conformity with Article 35 of this Regulation:
- a) where the importations involved are of non commercial nature;
 - b) where the submission of information on customs value is not essential to the application of the customs tariff or if the customs duties provided for in the tariff are not calculated pursuant to specific customs procedures.
- (2) In case of continuing traffic in goods supplied by the same seller to the same buyer under the same commercial conditions, the customs authorities may allow that the information from Article 35 paragraph 1 of this Regulation are partially provided when declaring customs value, but shall require them whenever the circumstances change and at least once every three years.
- (3) The customs authorities may withdraw the waiver of the requirement for submission of the DCV and require the DCV to be submitted where it is found that a certain condition necessary for that waiver was not or is no longer met.

Article 37 **(Appendices to CVD)**

- (1) The person referred to in Article 35 paragraph 3 of this Regulation shall, in addition to the DCV, submit to the customs authorities a copy of the invoice on the basis of which the value of the imported goods is declared. The first copy shall be retained by the customs authorities and the second copy, bearing the stamp of the customs office and the number of the customs declaration, shall be returned to the declarant.
- (2) The DCV shall be accompanied by all receipts for transportation costs and, upon request of the customs authorities, all other documentation essential to determining the customs value.

Article 38 **(Confidentiality of Information)**

All available information on establishing customs value shall be confidential for all participants in the procedure. It is forbidden to disclose information to a third person without a special consent from the interested parties or bodies who provided the said information, except in cases when a court procedure is required.

Article 39 **(Termination of Validity)**

At the date of effect of this Regulation, the Regulation on the Requirements and the Procedure for Determining the Customs Base (Official Gazette of the SFRY no. 16/82, 29/83 and 3/92) shall cease to be valid.

Article 40
(Validity)

This regulation shall come into effect on the eight day following the date of publication in the "Official Gazette" of the Republic of Macedonia, and shall apply as of 1 April 2000.

II FORMS DEC AND DCV-bis

**Records 1, 2a, 2b, 3, 4, 5, 6, 7a, 7b, 7v, 8a, 8b, 9a, 9b, 10a, 10b, Record for
“administrative use”, Records 11a, 11b, 11v, 12, 13a, 13b, 13v, 14, 14a, 14b, 14v,
14g, 15, 16, 17, 17a, 17b, 17v, 18, 19, 20, 21, 22, 23, 24, Record – “additional data”
*[Not Translated]***