

WCO Secretariat - Directorate Tariffs and Trade Affairs
30 Rue du Marché
B-1210 Brussels

For the attention of:
Director G. Favale

Dear Mr Favale,

The American Chamber of Commerce to the European Union (AmCham EU) is writing to you with regard to the functioning of the Technical Committee on Customs Valuation (TCCV).

Our members comprise over 140 companies from a broad range of sectors and look to this Committee for invaluable guidance with regard to the interpretation and application of the Customs Valuation Agreement (CVA).

Lately we have noted that the decision-making process in the TCCV has slowed and that items on which guidance is sought are repeatedly listed on the TCCV's agendas and go through many sessions without a resolution. In addition, when resolution is achieved, the publication of guidance in the Customs Valuation Compendium also takes a very long time. For example, the last Commentary that was published in the hard copy of the Compendium is Commentary 22.1 (inserted by 'Amending Supplement No. 6 – July 2007'), whereas three further Commentaries (Nos. 23.1, 24.1 and 25.1) have still not been published in the Compendium, despite being electronically available.

We understand that the decision-making process in the TCCV is difficult due to the large number of delegates and an essentially consensus-based approach. That said, the TCCV's core responsibilities, as listed in Annex II to the CVA, nevertheless comprise:

- The examination of specific technical problems and to give advisory opinions on appropriate solutions; and
- To furnish information and advice on valuation matters as may be requested by any member of the TCCV.

Lately, the TCCV appears to be lacking in this regard, even though it is explicitly requested in Annex II, 'to attempt to conclude its work on specific matters, especially those referred to it by its members..., in a reasonably short period of time'.

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POSITION STATEMENT

The WCO's Secretariat, and in particular the sub-Directorate Valuation, is meant to support the TCCV's activities as appropriate. In particular the Secretariat must manage and facilitate the TCCV in its task to ensure at the technical level uniformity in interpretation and application of the CVA and to maintain the WCO Valuation Compendium. This task comprises the preparation of information and working documents, draft instruments and coordination with delegates and the Chairperson.

AmCham EU therefore calls upon the WCO Secretariat - as well as on the TCCV's Chairperson - to do anything in their power to indeed facilitate the work of the TCCV, so that matters that have been referred to the TCCV are more speedily resolved and that such resolution – in the form of commentaries, opinions or case studies – also more rapidly published in the Customs Valuation Compendium.

This would not only enhance the much needed legal certainty that is vital to the business community but also the very credibility of the TCCV itself as the guardian, at the technical level, of the CVA and its uniform interpretation and application.

AmChamEU calls upon the Secretariat and the Chairperson of the TCCV to contribute to the more efficient and expedient resolution of specific outstanding valuation matters and to put a halt to the current trend whereby it is not uncommon that matters go through seven or more sessions before a decision is taken.

We thank you for your attention to this matter that is of great concern to us.

Yours sincerely,



Keith Vaughan

Chair of the AmCham EU Customs and Trade Facilitation Committee

Cc: : Messrs. I. Cremer and L. Macedo - Valuation Sub-Directorate
: Mr. O.Aouffi – Chairperson TCCV
: Mr C. Clark – Deputy Director

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AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled €1.9 trillion in 2012 and directly supports more than 4.2 million jobs in Europe.

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