

PRE-SHIPMENT INSPECTION INTERNAL APPEAL FORM (I)

NOTES:

- a. Exporters with complaints about Pre-shipment inspection (PSI) activities are, in the first instance, requested to discuss the matter with the appropriate department manager of the SGS office responsible for performing the PSI activity ("SGS office"). If, following discussions, an exporter is dissatisfied with the result, he is invited to appeal to the Managing Director at the SGS office, by completing and submitting this form.
- b. The Managing Director undertakes to investigate the grievance and will respond to the exporter, normally within 2 working days of receipt of this form fully completed, by either (a) giving the result of the appeal or (b) advising that further investigation is required and that the result will follow as soon as possible, but within 10 working days. (These procedures take into consideration the WTO Agreement on Pre-shipment Inspection, Article 2.21)

<p>1. EXPORTER</p> <p>Company Name: _____</p> <p>_____</p> <p>_____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Telephone: _____</p> <p>Telefax: _____</p> <p>E-mail: _____</p> <p>Contact person: _____</p> <p>_____</p>	<p>If you wish to appeal that the action of SGS is not in accordance with the WTO Agreement on Pre-shipment Inspection, please complete Section 5 below. If not applicable, please proceed to Section 6.</p> <p>5. NATURE OF GRIEVANCE WITH THE SGS OFFICE</p> <p>Please indicate, by marking an "x" in the appropriate box(es) below, which articles of the WTO Agreement on Pre-shipment Inspection ("API") have, in your opinion, not been complied with by the SGS office.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Category</th> <th style="text-align: left;">API Article N°</th> <th style="text-align: center;">□</th> </tr> </thead> <tbody> <tr> <td>• Non-discrimination</td> <td>2.1</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Site of inspection</td> <td>2.3</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Standards</td> <td>2.4</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Transparency</td> <td>2.5</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.6</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.7</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Protection of Confidential Business Information</td> <td>2.9</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.11</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.12</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Conflicts of Interest</td> <td>2.14 (a)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.14 (b)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.14 (c)</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Delays</td> <td>2.15</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.16</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.17</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.18</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.19</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Price Verification (For export market price: not customs valuation purposes)</td> <td>2.20 (a)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.20 (b)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.20 (c)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.20 (d)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.20 (e)</td> <td style="text-align: center;">□</td> </tr> <tr> <td>• Appeals Procedures</td> <td>2.21</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.21 (a)</td> <td style="text-align: center;">□</td> </tr> <tr> <td></td> <td>2.21 (c)</td> <td style="text-align: center;">□</td> </tr> </tbody> </table>	Category	API Article N°	□	• Non-discrimination	2.1	□	• Site of inspection	2.3	□	• Standards	2.4	□	• Transparency	2.5	□		2.6	□		2.7	□	• Protection of Confidential Business Information	2.9	□		2.11	□		2.12	□	• Conflicts of Interest	2.14 (a)	□		2.14 (b)	□		2.14 (c)	□	• Delays	2.15	□		2.16	□		2.17	□		2.18	□		2.19	□	• Price Verification (For export market price: not customs valuation purposes)	2.20 (a)	□		2.20 (b)	□		2.20 (c)	□		2.20 (d)	□		2.20 (e)	□	• Appeals Procedures	2.21	□		2.21 (a)	□		2.21 (c)	□
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<p>2. EXPORTER'S COMPLAINT DISCUSSIONS</p> <p>Prior to completion of this form, the complaint should already have been discussed with the SGS office staff. Please advise SGS office location:</p> <p>Person with whom complaint discussed: _____</p>	<p>Notes: If your grievance:</p> <p>I Does not concern the above mentioned categories, please proceed to Section 6.</p> <p>II Concerns the above mentioned categories and also relates to PSI carried out in a WTO member country of goods for importation into a WTO member country: you are entitled to submit the dispute to an Independent Review, at least two working days after submission of this form to the SGS office, in accordance with Article 4 of the WTO Agreement on Pre-shipment Inspection. Further details are available from SGS upon request.</p>																																																																														
<p>3. REFERENCE NUMBERS</p> <p>Inspection Order Reference N°: _____ (as advised by SGS or importer)</p> <p>Contract/Order/Proforma Invoice/Final Invoice N°: _____</p>	<p>4. DESCRIPTION OF GOODS</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																																																																														

NOTES

- 1 As per ACV Article 7, no customs value shall be determined under the provision of Method 6 on the basis of:
 - a. the selling price in the country of importation of goods produced in such country;
 - b. a system which provides for the acceptance for customs purposes of the higher of two alternative values;
 - c. the price of goods on the domestic market of the country of exportation;
 - d. the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of Method 5;
 - e. the price of the goods for export to a country other than the country of importation;
 - f. minimum customs values, or
 - g. arbitrary or fictitious values
- 2 Normally, PSI activities only cover Methods 1, 2, 3 & 6. However, technical assistance in respect of the other methods may be provided upon request of Customs in the importing country.
- 3 In accordance with ACV Art.1.2b, if the buyer and seller are related, buyers (importers) are, at their initiative, entitled to request Customs that the DTV be compared with the Customs Value established by the Deductive or Computed Value Methods. In such situations, Customs may request technical assistance from SGS.
- 4 For practical purposes, the DTV is assumed to be the value stated in the sellers' commercial invoice presented to SGS during PSI.
- 5 Method 6 would only be applied by Customs if it is not possible to value under the Methods 1 - 5.
- 6 In the absence of satisfactory evidence from the importer to support the truth or accuracy of the DTV, Customs may decide to proceed to the other Methods of Valuation using the SGS Opinion for guidance.
- 7 The Normal Price is the open market price at which the goods are freely available to any buyer at the commercial level of the sale, subject to compliance with certain conditions. For example, if a sole agent receives a special discount, which is not granted to other buyers, it has to be added back into the price to arrive at the normal or open market price for Customs valuation purposes.

For further information, please contact:

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GLOSSARY OF ABBREVIATIONS

ACRF	Advice of Clean Report of Findings
ACV	WTO Agreement on Customs Valuation
AWB	Air Way Bill
BDV	Brussels Definition of Value
B/L	Bill of Lading
CFR	Cost & Freight
CRF	Clean Report of Findings
DTV	Declared Transaction Value
FCL	Full Container Load
FOB	Free on Board
GIS	Governments and Institutions Services
IFIA	International Federation of Inspection Agencies
IVP	Import Verification Programmes
L/C	Letter of Credit
LCL	Less than Container Load
NNRF	Non-Negotiable Report of Findings
PSI	Pre-shipment Inspection
RDI	Request for Detailed Information
SGS	SGS Group or its affiliates or Agents
SR	Service Request
WTO	World Trade Organization