

act of Congress or by a proclamation of the President, the new rate shall be applied in accordance with the detailed instructions in §141.69 of this chapter, which provides in general that the rates of duty applicable to merchandise shall be those in effect on the date of entry or withdrawal for consumption, except for certain merchandise covered by an entry for immediate transportation or overcarried and returned to the port of entry.

**Subpart C—Appraisalment**

§§ 152.20–152.22 [Reserved]

**§ 152.23 Merchandise imported from intermediate countries.**

Merchandise imported from one country, being the growth, production, or manufacture of another country, shall for value purposes (see sections 402, Tariff Act of 1930, as amended; 19 U.S.C. 1401a) be treated as an exportation of the country from which it is immediately imported. However, if it appears by the invoice, bill of lading, or other evidence that the merchandise was destined for the United States at the time of original shipment, it shall be treated as an exportation of the country from which it was originally exported. The term “country” is to be regarded for the purposes of this section as embracing all the possessions of a nation, however widely separated, which are subject to the same supreme executive and legislative authority and control.

[T.D. 73-175, 38 FR 17477, July 2, 1973, as amended by T.D. 87-89, 52 FR 24446, July 1, 1987]

§ 152.24 [Reserved]

**§ 152.25 Conversion of foreign currency.**

When foreign currency must be converted for purposes of appraisalment, the instructions in subpart C of part 159 of this chapter shall be followed.

**§ 152.26 Furnishing value information to importer.**

The port director shall furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) *Before appraisalment.* Value information shall be given before appraisalment only in response to a specific oral or written request by the importer, supported by an adequate reason for the request, or where required by Customs purposes, such as in determining proper estimated duties to be deposited or notification of increased duties in accordance with §152.2.

(b) *Only for merchandise under port director’s jurisdiction.* The information shall be given only in regard to merchandise to be appraised by, or under the jurisdiction of, the port director who receives the request, and only with respect to merchandise for which there is presented evidence of a firm commitment or intent to import such merchandise into the United States.

(c) *Information by importer.* Each request shall be accompanied by the latest information as to the values in question which the importer has or can reasonably obtain.

(d) *Information not binding.* Value information shall be given by the port director only with an understanding and agreement in each case that the information is in no sense an appraisalment and is not binding upon the port director’s action when he appraises the merchandise.

(e) *No reply required after entry.* The port director shall not be required to reply to a written request for value information after a value for the merchandise has been declared on entry unless he has information indicating a probable appraised value different from such entered value.

**Subpart D [Reserved]**

**Subpart E—Valuation of Merchandise**

SOURCE: T.D. 81-7, 46 FR 2600, Jan. 12, 1981, unless otherwise noted.

**§ 152.100 Interpretative notes.**

The interpretative notes set forth in this subpart have been derived from information contained in the Statement of Administrative Action relating to customs valuation, submitted to and approved by Congress along with the Trade Agreements Act of 1979 (Pub. L.