

## Evaluation of software used at imported goods in terms of customs valuation

Discussions on whether the software incorporated into imported goods will be included in the value of the goods and, if so, how they will be added have come to the fore recently. Although the Turkish Customs Administration has not issued an opinion on whether the software within the imported goods will be included in the value, except for data carrier media, it is understood that the customs and judicial authorities in the European Union (“EU”) have examined the issue in the past. When the judicial decisions and technical interpretations in question are examined, it is understood that, in the care of both the EU judicial authorities and the EU Customs Code Technical Committee, there is an approach that software, which meets the criteria in Article 71 of Union Customs Code – in other words, which is 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 extent that such value has not been included in the price actually paid or payable – and which can be deemed connected to or part of final goods and which make their operability possible or improve them, in addition which add a new functional character and thereby contribute significantly to the value of the goods, should be included in the customs value as materials, components, parts and similar items incorporated into the imported goods.

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