



# PwC successful case on customs dispute in the Cassation court

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If you are interested in additional information, please contact us.

PwC's Dispute Resolution team is pleased to share with you a successful case involving the appeal of customs audit results in judicial instances.

Our team assisted a large company in the industrial goods trade sector to successfully appeal the results of a customs audit concerning customs classification and the application of anti-dumping duties. As a result of the case's review by the Appellate and Cassation Courts, a significant part of the duties assessed by the customs authorities was deemed illegal and overturned.

### The Essence of the Dispute

During an unscheduled on-site customs inspection, the customs authorities reclassified imported goods intended for construction and industrial machinery. This led to a significant assessment of customs and anti-dumping duties, including taxes and penalties.

The company, supported by our team, insisted on the correctness of the initial classification, proving the specialized purpose and scope of application of the goods based on technical documentation, expert opinions, and international standards.

The Court of Cassation for Administrative Cases of the Republic of Kazakhstan upheld the decision of the appellate instance, which recognized the customs authorities' decisions on goods classification as illegal and annulled the assessed customs and anti-dumping duties, as well as VAT and penalties.

The Court confirmed the correctness of the goods' classification, supporting our arguments and position, which were based on goods classification rules, their intended purpose, and scope of application.

These judicial acts constitute an important precedent. They confirm the necessity to document the goods' intended purpose and for the customs authority to conduct a reasoned and comprehensive analysis, adhering to the principle of presumption of reliability of information provided by the importer.

### How We Help Clients

We would be pleased to discuss with you the details of this legal dispute and its potential impact on your business, as well as to analyze and take the necessary steps to ensure your activities comply with all requirements of applicable legislation and judicial practice in the field of customs regulation.

PwC's Dispute Resolution team includes leading legal advisors specializing in customs regulation and taxation, with successful experience in pre-trial and judicial settlement of disputes with government bodies. We are ready to provide assistance to companies at all stages of customs audits, as well as during the process of appealing their results through pre-trial and judicial procedures.

