

WORLD TRADE ORGANIZATION

RESTRICTED

G/LIC/N/3/NGA/1

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(96-2953)

Committee on Import Licensing

Original: English

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES

NIGERIA

The following notification, dated 17 July 1996, has been received from the Permanent Mission of Nigeria.

The General Import Licensing Procedure has been abolished since 1986, following the introduction of the Structural Adjustment Programme. What we have in the country now is a situation where some items are prohibited for trade purposes while others are absolutely prohibited for health, security and social reasons.

Outline of Systems

1.(i) Firearms (arms, ammunition and explosives)

Applications for the importation of firearms (arms, ammunition and explosives) are treated with caution as it involves the security of the nation. Each application is considered on its own merit and when granted, the specific quantity to be imported will be stated. The licence to import arms and ammunition is issued by the Inspector-General of Police or designated Police Officer.

(ii) Tobacco licence

No person shall import into Nigeria unmanufactured leaf tobacco unless he is a holder of a Tobacco Importer's Licence. This licence issued by the Nigeria Customs Service expires on 31 December, following the date of issue and renewable every year. Licences are issued as per guidelines in Customs and Excise Notice No. 22 of 1959.

(iii) Live animals and birds

Valid import certificate and permit as provided for in the Diseases of Animal Act of 1917 and 1962 are to be attached to entries covering importation of live animals and birds. In the case of dogs, importation must be accompanied by a valid certificate signed by a veterinary officer in the country of origin to the effect that the dog(s) are healthy and have not, within six months prior to importation, been exposed to infection by rabies. In addition, importation of dogs must be covered by import permits issued by the Director of the Federal Department of Veterinary Research or Chief Veterinary Officer of any of the States of Nigeria.

(iv) Poison, drugs and medical preparations

Importation must comply strictly with the provisions of the Pharmacy Act and Regulations. Permits are given by the Federal Minister for Health and certified by the National Food and Drugs Administration.

(v) Petroleum products

Petroleum products are restricted and permits are given by the Honourable Minister for Petroleum Resources.

(vi) Prohibited items

All the items under prohibition require a permit by the Head of State on the recommendation of the Tariff Review Board before they can be imported into the country, vide item II Part I of Customs Excise Tariff (Consolidation) Decree No. 4 of 1995.

(vii) Transit Permit

This system entails receiving application for transit from a licensed Customs Agent on behalf of the transitor. The latter is usually introduced and recommended by his country's Embassy and the documents are then processed for the transit permit.

Purposes and Coverage of Licensing

2. There are two groups of items which require licences or permits:

(i) Prohibited items

Listed in schedules 3 and 4 of Customs Excise Tariff (Consolidation) Decree No. 4 of 1995.

(ii) Restricted items

As itemised in paragraph 1(i-v) of answers to the Questionnaire.

3. All countries.

4.(i) For security reasons.

(ii) For controlling and monitoring revenue, and protection of local farmers.

(iii) For health reasons.

(iv) For quality standard, prevention of fake and expired drugs.

(v) For the control of quality and security.

(vi) For security and protection of infant industries and other economic considerations.

5. Customs and Excise Management Act, Customs and Excise Notices, Federal Laws and Government Notices. Yes; the Federal Military Government can abolish any of the laws through Decrees.

Procedures

6. I. The information is published in the Official Gazette, newspapers and trade publications. The quantity allocated to each importer, or to be imported from each country, will not be published, but the quantity, and if possible where applicable, the amount allocated to each importer will be stated in individual licences and permits.

II. The size of the quota is determined on the merit of each application and on a yearly basis in most cases. However, there are some cases where permits are given for some specific importations without any reference to time-limit.

III. (a) No; licences are not allotted for certain goods partly or only to domestic procedures of like goods.

(b) At present the Government is not taking any steps to ensure that licences allocated are actually used for import.

(c) Any allocation not utilized at the expiration of the licence is considered forfeited.

(d) Yes; on request.

IV. January to September.

V. Within two weeks.

VI. Eleven months.

VII. Consideration of licence applications are effected by a single administrative organ.

VIII. Applications are examined on receipt and allocation of quota is on the basis of merit and first-come-first-served.

IX. No; if the goods are not prohibited or restricted in Nigeria.

X. Not applicable.

XI. Yes; manufacture in-bond-scheme.

7.(a) Within three months. No; goods which are restricted or prohibited cannot be landed in Nigeria without licence or permit.

(b) No.

(c) January to September, to allow time for processing of import documents.

(d) No; only one organ.

8. Application for a licence can be refused for trade malpractices and security reasons. Reasons for refusal are always stated in the rejection letter. However, the applicant has the right to appeal to higher authorities.

Eligibility of Importers to Apply for Licence

9. All persons, firms and industries are eligible to apply for licences under 9(a) and (b).

Documentational and Other Requirements for Application for Licence

10. Tax Clearance Certificate, Certificate of Incorporation, expired licence (in case of tobacco), name and address of the applicant (not P.O. Box or P.M.B.).
11. Bill of Entry, Bill of Lading, or Airway Bill, signed and attested invoices, Clean Report of Findings, Import Duty Report and registered form "M".
12. No administrative charge or licensing fee is involved.
13. No; January to 31 December.

Conditions of Licensing

14. Twelve months; January to 31 December. Yes; by application and revalidation.
15. No.
16. No.
17. (a) No.
- (b) No.

Other Procedural Requirements

18. Yes; Letter of Credit, form "M" through the importer's bank.
19. No; foreign exchange is not automatically provided for goods to be imported. A licence is not a condition for obtaining foreign exchange. The conditions for obtaining foreign exchange are spelt out in Foreign Exchange Market and Autonomous Foreign Exchange Market guidelines. These two bodies control the operation of the foreign exchange market. The importer must have sufficient money in his/her current account with his/her bank to cover the cost of the importation before the bank can sell the required foreign exchange to him/her on application on form "M".