

ORGANISATION MONDIALE DU COMMERCE

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Commerce des services

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NIGÉRIA

Projet de version codifiée de la Liste d'engagements spécifiques¹

On trouvera ci-joint un projet de version codifiée de la Liste d'engagements spécifiques du Nigéria en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par le Nigéria dans sa Liste d'engagements spécifiques (GATS/SC/65; GATS/SC/65/Suppl.1).

Le projet de version codifiée de la liste a été établi par le Secrétariat, à la demande des Membres, pour faciliter le processus de négociation, y compris la présentation des offres initiales.

¹ Le présent document a été établi, en anglais seulement, par le Secrétariat sous sa propre responsabilité et sans préjudice des positions des Membres ni de leurs droits et obligations dans le cadre de l'OMC.

NIGERIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE			
<u>Commercial Presence</u>	3) Commercial Presence requires that foreign service providers incorporate or establish the business locally in accordance with the relevant provisions of Nigerian Laws and, where applicable, regulations particularly with respect to land and building acquisition, lease rental, etc. This requirement operates on a non-discriminatory basis. Foreign enterprises with investment in Nigeria have the same rights and responsibilities as domestic enterprises, and could transfer abroad their profits in accordance with the existing regulations.		
<u>Presence of Natural Persons</u>	4) Unbound, except for measures concerning entry and temporary stay of personnel employed in senior management and experts jobs for the implementation of foreign investment. Their employment shall be agreed upon by the service providers and approved by the IDCC. ¹	4) Unbound, except for measures concerning the categories of natural persons referred to in the market access column	

¹ Detailed guidelines are obtainable from the IDCC secretariat, Federal Ministry of Industry, Federal Secretariat, Abjua, Nigeria.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u> ²			
Sale/installation of terminal equipment (CPC 7521, 7522, 7523)	1),2),3),4) None	1),2),3),4) None	
Operating pay phones (CPC 7521)	1),2) Not applicable 3),4) None	1),2)Not applicable 3),4)None	
Mobile communications - cellular, paging, etc. (voice and data) ³ (CPC 7521, CPC 7523)	1),2) Unbound 3),4) None	1),2) Unbound 3),4) None	
Value added services ³ (CPC 7523)	1),2),3),4) None	1),2),3),4) None	

² The National Carrier, NITEL, has monopoly of all public switched and international services; and is charged with the responsibility of network infrastructure expansion. There is a progressive move by Government through the National Communications Commission to introduce some element of privatisation and competition in the areas listed under this offer.

³ The provision of any service across the border (International Services) by passing the network or diverting international traffic from NITEL is not permitted, and such measures can only be done in co-operation with NITEL.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p>(i) Nigeria undertakes commitments on financial services in accordance with the "Understanding on Commitments in Financial Services" (the Understanding).</p> <p>(ii) The market-access commitments in respect of modes 1) and 2) apply only to the transactions indicated in paragraphs B.3 (a) and (b) and B.4 (a) and (b) of the market access section of the Understanding, respectively.</p> <p>(iii) No foreign company can establish a subsidiary in Nigeria unless it is duly incorporated in Nigeria.</p> <p>(iv) Foreigners, corporate or individuals can own up to 100 per cent equity in any enterprise.</p> <p>(v) The Most Favoured Nation (MFN) treatment is accorded to all countries. However, as a member of the Economic Community of West African States (ECCWAS), Nigeria is currently negotiating the use of travellers cheques in the course of the economic integration of the Sub-region.</p> <p>(vi) The transfer of information containing personal data, bank secret, securities secret and /or business secret is not allowed.</p> <p>(vii) The Nigerian Investment Promotion Commission Decree of 1995 guarantees against expropriation.</p>			
<p>A. <u>Banking and Other Financial Services</u> (Excluding Insurance)</p> <p>(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)</p> <p>(b) Lending of all types including mortgage credit, factoring and financing of commercial transactions (CPC 8113)</p> <p>(c) Guarantees and commitments (CPC 81199**)</p> <p>(d) Financial leasing (CPC 8112)</p> <p>(e) All payment and money transmission services, including credit, payment and similar cards, travellers cheques and cheques. (CPC 81339**)</p>	<p>1) None</p> <p>2) Unbound with the exception of (c)</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) Unbound with the exception of (c)</p> <p>3) None</p> <p>4) Unbound</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Trading for account of customers: - money market instruments (CPC 81339**) - foreign exchange (CPC 81333) - transferable security (CPC 81321*) - other negotiable instruments (CPC 81339**) (g) Asset management (CPC 8119** + 81323*) (h) Settlement and clearing services for financial assets, including securities (CPC 81339** or 81319**) (i) Provision and transfer of financial information and financial data (CPC 8131)			
B. Insurance Services (a) All government properties are to be insured with the National Insurance Corporation of Nigeria; unless where the Head of State approves in writing to the contrary. (b) All imports into Nigeria to be insured locally by insurance companies registered in Nigeria. (c) An insurance broker has to obtain approval before entering into contract with foreign insurers.			
(a) Life, accident and health insurance services (CPC 8121)	1) Unbound 2) Unbound 3) None 4) Unbound	1) None 2) Unbound 3) None 4) Unbound	
(b) Non-life insurance services (CPC 8129)	1) None 2) Unbound 3) None 4) Unbound	1) None 2) Unbound 3) None 4) Unbound	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (CPC 81299*)	1) None 2) None 3) The establishment of a reinsurance company in Nigeria is subject to the approval of the Minister of Finance, who shall have regard of the need to control the number of reinsurance companies operating in the country. Insurers are required by law to cede 20 per cent of their business compulsorily to Nigeria Reinsurance Corporation which has the right of First Refusal before the ceding of any reinsurance business outside Nigeria. 4) Unbound	1) None 2) None 3) None 4) Unbound	
(d) Service auxiliary to insurance, including broking and agency services (CPC 8140)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
9. TOURISM AND TRAVEL RELATED SERVICES A.-D. (CPC 641-643, CPC 7471, CPC 7472)	1),2), 3),4) None	1),2), 3),4) None	

Modes of supply:	1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons
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⁴ Cabotage is excluded.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Rail Transport Services</u>			
(d) Maintenance and repair of rail transport equipment (CPC 8868)	1),2) Unbound* 3),4) None	1),2) Unbound* 3),4) None	

* Unbound due to lack of technical feasibility.