

WORLD TRADE ORGANIZATION

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Negotiating Group on Maritime Transport Services

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COMMUNICATION FROM NIGERIA

Conditional Offer on Maritime Transport Services

The following communication is circulated at the request of Nigeria to members of the Negotiating Group on Maritime Transport Services.

NIGERIA - [CONDITIONAL OFFER ON MARITIME TRANSPORT SERVICES]

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
<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime Transport Services</u></p> <p>International Transport (freight and passengers) less cabotage (as defined below)</p>	<p>(1) (a) <u>Liner shipping</u>: None</p> <p>(b) Bulk, tramp and other international shipping, including passenger transportation: None</p> <p>(2) None</p> <p>(3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag: None.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): None</p> <p>(4) (a) Ship's crews: Unbound</p> <p>(b) Key personnel employed in relations to a commercial presence as defined under mode 3b above:</p> <p>Unbound, except as indicated in the horizontal commitment</p>	<p>(1) (a) Unbound</p> <p>(b) Unbound</p> <p>(2) None</p> <p>(3) (a) None</p> <p>(b) None</p> <p>(4) Unbound, except as indicated in the horizontal commitment</p>	<p>The following services at the portS are made available to international maritime transport suppliers on reasonable and non-discriminatory conditions:</p> <ol style="list-style-type: none"> 1. Pilotage 2. Towing and the tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services

NIGERIA (continued)

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	
MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services (as defined below - 4)	(1) None	(1) None		
	(2) None	(2) None		
	(3) None, except as indicated in the horizontal commitments	(3) None		
	(4) None, except as indicated in the horizontal commitments	(4) Same as for Market Access		
Storage and Warehousing Services CPC 742 (as amended)	(1) None	(1) None		
	(2) None	(2) None		
	(3) None, except as indicated in the horizontal commitments	(3) None		
	(4) As indicated in the horizontal commitment	(4) Same as for Market Access		

NIGERIA (continued)

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
Customs Clearance Services (as defined below - 5)	(1)	None		(1)	None	
	(2)	None		(2)	None	
	(3)	As in the horizontal commitments		(3)	As in the horizontal commitments	
	(4)	As in the horizontal commitments		(4)	As in the horizontal commitments	
Container Station and Depot Services (as defined below - 6)	(1)	None		(1)	None	
	(2)	None		(2)	None	
	(3)	As in the horizontal commitments		(3)	As in the horizontal commitments	
	(4)	As in the horizontal commitments		(4)	As in the horizontal commitments	
Maritime Agency Services (as defined below - 7)	(1)	None		(1)	None	
	(2)	None		(2)	None	
	(3)	As in the horizontal commitments		(3)	As in the horizontal commitments	
	(4)	As in the horizontal commitments		(4)	As in the horizontal commitments	

NIGERIA (continued)

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	
Maritime Freight Forwarding Services (as defined below - 8)	(1) None	(1) None		
	(2) None	(2) None		
	(3) As in the horizontal commitments	(3) As in the horizontal commitments		
	(4) As in the horizontal commitments	(4) As in the horizontal commitments		

NIGERIA (continued)

NOTE TO THE SCHEDULE

Where road, rail, inland waterways [and] [related] [auxiliary] services are not otherwise fully covered in [this] [a Member's] schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. ["Reasonable and non-discriminatory terms and conditions" means, for the purpose of [multimodal transport operations], [this additional commitment], the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date].

DEFINITIONS

1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in ... (name of country or, for EEC, "a Member State") and another port located in--- (name of the country or, for EEC, "the same Member State") and traffic originating and terminating in ... the same port located in (name of country, or for the EEC, "a Member State") provided that this traffic remains within ... (name of country or "this Member State")'s territorial waters.]
2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- a. marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- b. the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- c. the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

NIGERIA (continued)

- d. the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
 - e. the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
 - f. acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
3. "Multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
 4. "Maritime cargo handling services " means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of :
 - the loading/discharging of cargo to/from a ship;
 - the lashing/unlashing of cargo;
 - the reception /delivery and safekeeping of cargoes before shipment or after discharge.
 5. "Customs clearance services" (alternatively "customs house broker' services") means activities consisting in carrying out on behalf of another party costumes formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider of r a usual complement of its main activity.
 6. "Container station and depot services " means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

NIGERIA (continued)

7. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, form quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
 - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
8. "Freight forwarding services " means [the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information].