

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

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Group of Negotiations on Services

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COMMUNICATION FROM NIGERIA

**Revised Conditional Offer of Nigeria concerning Initial Commitments
in the Uruguay Round Negotiations on Trade in Services**

Revision

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

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1. Nigeria presents below its revised offer concerning initial commitments on trade in services. This offer is conditional upon a satisfactory conclusion being reached in the negotiations aimed at establishing a General Agreement on Trade in Services and the achievement of balanced global results in the Uruguay Round negotiations.
 2. For Nigeria, a satisfactory conclusion in the negotiations on services means the adoption of an Agreement on Trade in Services and Sectoral Annexes, promoting in a balanced manner the interests of all participants on a mutually advantageous basis, which necessarily includes provisions granting special treatment for developing countries.
 3. It is also conditional on the inclusion, in the offers of Nigeria's trading partners, of services and modes of delivery that are of export interest to Nigeria, particularly as regards labour mobility.
 4. Nigeria's offer is further conditional on the satisfactory conclusion of negotiations in other areas of the Uruguay Round of multilateral trade negotiations that are of special interest to Nigeria and accordingly it may be further revised, extended amended or withdrawn in the light of developments in the said negotiations.
 5. This offer is made without prejudice to the Constitution of the Federal Republic of Nigeria with regards to its development priorities and commitments under the Structural Adjustment Programme (SAP). Nigeria, therefore, further reserves the right to make technical changes in this offer and to correct possible errors, omissions or inaccuracies.
 6. The offers transmitted herein are understood as valid solely for the services and modes of delivery mentioned in the attached individual sectors and to the extent indicated. The commitments on market access and national

Modes of Supply

1. Cross-border supply
2. Movement of Consumers
3. Commercial Presence
4. Movement of Personnel

CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS		CONDITIONS & QUALIFICATIONS ON NATIONAL TREATMENT
		(a) <u>Cross-border Services</u>	(b) <u>Movement of Consumers</u>	
1. All Sectors		<p>The services associated with international trade in goods follow the same rules as the goods concerned.</p> <p>(b) <u>Movement of Consumers</u></p> <p>Nigeria consumers can freely travel abroad for buying services. The current deregulation of the foreign exchange market has removed all restrictions regarding payments in foreign currency.</p> <p>(c) <u>Commercial Presence</u></p> <p>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.</p>		

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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS	CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
	1. All Sectors (cont'd)	<p>Enterprises with foreign investment in Nigeria have the same rights and responsibilities as domestic enterprises, and could transfer abroad their profits in accordance with the existing regulations.</p> <p>(d) <u>Movement of Persons</u></p> <p>In Nigeria, the entry and residence of foreign persons (service providers) are subject to Nigeria's immigration and labour laws, regulations, guidelines and procedures. In accordance with Nigerian legislations, the employment of foreign natural persons for the implementation of foreign investment shall be agreed upon by the service providers and approved by the Industrial Development Co-ordinating Committee (IDCC); and such personnel shall be employed in management and expert jobs only. Their employment shall be approved by the IDCC.*</p>	

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

SCHEDULE OF COMMITMENTS BY NIGERIAModes of Supply

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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS				CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
		(1)	(2)	(3)	(4)	
7521, 7522, 7523,	2. COMMUNICATION SERVICES					
	c. Telecommunication Services*					
7521,	Sale/installation of Terminal equipment	(1)	(2)	(3)	(4)	(1) (2) (3) (4)
	Operating pay phones	(1)	(2)	Not applicable		(1) (2) Not applicable
		(3)	(4)	None		(3) (4) None
7521, 7523,	Mobile communications - Cellular, paging, etc. (voice and data)	(1)	(2)	Unbound**		(1) (2) Unbound
		(3)	(4)	None		(3) (4) None
7523,	Value added network services	(1)	(2)**	(4)		(1) (2) (3) (4)
				None		

* 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.

** 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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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS	CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
	7. FINANCIAL SERVICES (B) <u>Banking and other financial services excluding securities and insurance</u>	(Conditions apply to all listed sub-sectors except where otherwise indicated)	(Conditions apply to all listed sectors except where otherwise indicated)
81115-9	<p>(a) Acceptance of deposits and other repayable funds from the public.</p> <p>(b) Lending of all types including mortgage credit, factoring and financial of commercial transactions.</p> <p>(c) Guarantees and commitments</p> <p>(d) Financial leasing</p> <p>(e) All payments and money transmission, services, including credit, payment and similar cards. Travellers cheques and cheques.</p>	<p>(1) Subject to a maximum of 40% equity participation and compliance with provisions of Banking and other Financial Institutions (BOFI) (Decree of 1991).</p> <p>(2) Unbound with the exception of 'C' "guarantees and commitments" **</p> <p>(3) Companies must be incorporated in Nigeria and all the provisions of BOFI are observed.</p> <p>(4) Unbound</p>	<p>(1) Composition of the Board should reflect the ownership structure.</p> <p>(2) Unbound with the exception of 'C' "guarantees and commitments" **</p> <p>(3) None</p> <p>(4) Unbound</p>
81199			
81112			
81339			

** Guarantees and Commitments are subject to regulations.

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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS	CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
81339	(f) Trading for account of Customers:	- money market instruments - foreign exchange - transferable security - other negotiable instruments	
81333	(g) Asset management		
81321	(h) Settlement and clearing services for financial assets (excluding securities)		
81339	(i) Provision and transfer of financial information and financial data.		
81323			
81339			
81321			
8131			

* Establishment of branches of foreign banks not allowed.

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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS	CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
641-643 7471 7472	<p>9. TOURISM AND TRADE RELATED SERVICES (A)-(D)</p> <p>(1) (3) (4) None</p> <p>(2) Unbound</p>		<p>(1) (3) (4) None</p> <p>(2) Unbound</p>
7212	<p>11. TRANSPORT SERVICES</p> <p>(A) Maritime Transport Services</p> <p>(b) Foreign transportation*</p> <p>(1) Unbound: Access to Cargo is subject to the provisions of the National Shipping Policy Decree No. 10 of 1987</p> <p>(1) Unbound (2) None (3) None (4) Unbound</p> <ul style="list-style-type: none"> - at least 40% of Liner Cargo is reserved for national carriers; - 100% of government cargo is reserved for national carriers; - 50% of bulk trade (dry/wet) is reserved for national carriers* 		

* Cabotage is excluded.

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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS	CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
		<ul style="list-style-type: none"> - 50% of cargo generated through technical assistance or international aid is reserved for ships owned or hired by national carriers. <p>(2) None</p> <p>(3) None (provided ship-owner's representative complies with relevant laws of establishing business in Nigeria).</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p> <p>(c) Rental Vessels with crew.</p> <p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	

7213

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CODING	SECTOR/SUB-SECTOR	LIMITATIONS & CONDITIONS ON MARKET ACCESS	CONDITIONS & QUALIFICATION ON NATIONAL TREATMENT
8868	(d) Maintenance and Repair of Vessels	(1) Unbound (2) Bound (3) None (4) Unbound	(1) None (2) Bound (authorisation necessary for national carriers) (3) None (4) Unbound
8868	(e) Rail Transport Services	(d) Maintenance and repair of rail transport equipment.	(1) (2) Not applicable (3) (4) None