People's Republic of China

Questions:

1. What measures has Nigeria taken to facilitate the integration of its economy into global value chain?

尼日利亚如何采取政策促进经济融入全球价值链？

**Answer：Nigeria has taken steps to facilitate the integration of its economy into global value chain through Nigeria Industrial Revolution Plan (NIRP) as a policy to industrialize and make Nigeria competitive; the Zero Oil Plan implemented by the Nigerian Export Promotion Council (NEPC) and National Export Strategy, a strategy for exports of professional services - currently under review.**

**答：尼日利亚已采取措施促进其经济融入全球价值链，推出尼日利亚工业改革计划（NIPP）以实现工业化、提升国家竞争力；尼日利亚出口促进委员会（NEPC）实施的零石油计划和国家专业服务出口战略目前正在审查中。**

1. Does Nigeria have any detailed plan to open up to the outside world and reform at home? If yes, could Nigeria please introduce this plan and the expected timetable for the implementation of this plan?

有没有主动对外开放、对内改革的详细计划？如果有计划，尼日利亚能否对该计划和预期时间表进行介绍？

**Answer：Yes. The plan is embedded in the Economic Recovery and Growth Plan (2017-2020) which was recently launched by the Government. The Plan has delivery strategy which would enable the Government to track progress against set target, identify and tackle challenges as they emerge through a consistent and credible monitory and evaluation framework.**

**答：有。政府近日启动的经济复苏和增长计划（2017-2020）包含开放改革计划。根据计划实施策略，政府可跟进目标进度，通过一致、可靠的监督评估框架发现并应对挑战。**

1. Has Nigeria considered accelerating the development of its manufacturing industry and better integrating into the global value chain by strengthening the cooperation with China, aligning the development strategies of both sides and making good use of the strategic opportunity of the Belt and Road Initiative?

尼日利亚是否考虑，通过加强与中国的合作，利用好“一带一路”战略契机，对接双方发展战略，加速自身制造业发展，更好地融入全球价值链？

**Answer：Yes.**

**答：是的。**

1. According to the report, companies active in the oil and gas sectors are subject to different petroleum profits tax. Could Nigeria please indicate what is the petroleum profits tax for non-resident companies engaged in oil field service？
根据上述报告，对从事石油及天然气行业不同板块的石油公司征收的所得税税率不同。请问对于非本地油田服务企业的所得税税率又是多少?

**Answer：There is no different tax regime in the oil sector for non-resident companies.**

**答：石油业非本地企业的税收制度和本地企业没有差别。**

1. Has the anti-monopoly review system for the mergers and acquisitions been included in the competition bill under consideration? If there is any specific provision on such system, please indicate what are the detailed standards for declaration and review?
竞争法草案中，是否设立了企业并购反垄断审查制度？如有具体规定，其具体申报和审查标准是什么？

**Answer：At this time, it cannot be confirm simply because the Bill is currently under consideration in the National Assembly.**

**答：目前国会正在审议法案内容，具体情况还不能确定。**

1. Please explain the specific procedures prescribed by the Investment and Securities Act of 1999? Are enterprises required to declare in advance? What are the standards for the declaration? What are the specific provisions regarding the guarantee of the transparency of law enforcement and procedural rights of the persons involved? What is the relationship between this Act and the requirements on the mergers and acquisitions review in the competition law under consideration?
请说明该法规定的具体程序，是否要求企业事前申报？申报标准是什么？在保证执法透明度、保障当事人程序权利方面有何具体规定？该制度与正在起草的竞争法中的并购审查关系是什么？

**Answer：Under the old Investment and Securities Act of 1999, there was a blanket provision as to the procedures for mergers irrespective of size. However, under the new Investment and Securities Act of 2007, each merger threshold has its own set out procedures. There are different procedures for the categories of mergers because the procedures for small, intermediate and large mergers are not the same. However, the procedures are self-explanatory. Yes, enterprises are required to declare in advance. The standards are prescribed by the Securities and Exchange Commission as contained in the rules and regulations 2013. Both the new Act, 2007 and the Securities and Exchange Commission rules and regulations, 2013, provide for such guarantee as well as transparency. At this time, we are not in a position to establish the relationship and distinction between the two, given the stage of legislative action.**

**答：《1999年投资与证券法》对各规模并购作出统一的程序规定，《2007年投资与证券法》则按并购规模分别设立程序，针对大、中、小型各类并购执行不同程序，程序内容一目了然。企业需要事先申报，证券交易委员会通过2013年规章制度制定了申报标准。2007年新投资法和2013年证券交易委员会规章制度都作出保障和透明度规定。目前法律处于立法阶段，我们尚不能确定两者的关系和区别。**

1. Please further explain the provisions on the procedures for the recognition of famous trademarks and provisions on the special protection of famous trademarks in Nigeria. 请尼日利亚进一步说明其对驰名商标的认定程序和特殊保护的规定。

**Answer：Even though the procedures are embedded in the law, Nigeria is yet to fulfill the legal requirement for implementing the law**

**答：虽然相关程序已经纳入法律，但尼日利亚仍需加强落实法律要求。**

1. Please provide the total amount of subsidy granted to farmers participating in ATA and the average subsidy granted to every household every year.
请提供对参加ATA计划农民发放补贴总额，以及平均每年每户农民的补贴发放情况。

**Answer：Per farmer, it is 50% of cost of input is provided by Government. The total amount involved is not available**

**答：政府向农民补贴50%的投入成本，涉及的补贴总额尚不清楚**

1. Does Nigeria have any purchasing policy or price support policy for rice, wheat and other important crops? If yes, please make a brief introduction to those policies and evaluate their implementation effect.
对大米和小麦等重要作物，尼方是否有政策性收购或价格支持政策，请简要介绍政策及实施效果。

**Answer：Clarity on this would be provide later**

**答：这个问题稍后会说明**

1. Please introduce the effects on the consumption of cassava driven by the implementation of this policy.
请提供该措施实施后对木薯消费的带动效果。

**Answer：The proposed petroleum industry legislation falls into 3 categories 1. Petroleum Industry Governance Bill 2. Upstream Acreage management bill 3. Petroleum Fiscal Reform Bill.**

**答：石油业立法提案分为3类：1.石油业治理法案；2.上游土地管理法案；3.石油财政改革法案。**

1. Has the new draft of PIB been executed? If not, when will it be executed? What are the responsibilities of the national oil company and the Nigeria Petroleum Assets Management Company respectively? What are influences on the operation of IOCs and oilfield services companies in Nigeria?
新起草的PIB草案已经执行了吗?如果没有，请问什么时候执行?这两个部门的职责各是什么？将对IOCs和油田服务公司在尼日利亚的运营有何影响?

**Answer：The senate recently passed the Petroleum Industry Governance Bill, this however awaits reconciliation with the House of Representatives. The key features in the Governance bill are a single independence regulatory commission that will govern upstream, midstream and downstream sectors of the industry. The governance Bill also create a national oil company that operates its own asset and the asset management company that is assets manager. The governance also create** **a liability company which inherit NNPC toxic assets .The National oil Company is a company with operating capability while the National Asset Management Company is an asset manager without an operating role. It is government view that streamlining the regulation will have a positive impact on the industries as a whole including IOCs and oilfield Services Company. Government policy is to limit the growth of bureaucracy while expanding investment opportunities in industry.**

**答：参议院最近通过了《石油业治理法案》，但仍有待与众议院协调。《治理法案》的主要特点是提出由独立监管会管理石油业上、中、下游部门，同时提出成立国家石油公司负责经营公司资产，成立资产管理公司负责管理资产，再成立一家责任公司继承NNPC有毒资产。国家石油公司具有经营能力，国家资产管理公司则负责资产管理，不承担经营职责。政府认为简化监管对整个行业具有积极影响，包括IOC和油田服务公司。政府政策旨在限制石油业官僚主义滋生，同时扩大行业投资机会。**

1. How does Nigeria evaluate the current external debt situation? Will Nigeria take any controlling measures?
请问尼日利亚政府对当前外债形势如何判断？是否会采取相关措施加以控制？

**Answer：Changes in the global economy, accompanied by the fall in crude oil prices had created financial vulnerabilities for the Nigerian Government.**

**答：全球经济变化伴随原油价格下跌，导致尼日利亚政府金融体系脆弱。**

**As you are aware, the National Bureau of Statistics (NBS) has officially confirmed that Nigeria is in economic recession, which had suffered two consecutive quarters of negative growth. The Nigerian economy contracted by** **2.06% in the 2nd Qtr of 2016, sliding further from a negative growth of** **0.36%, which was experienced in the 1st Qtr of 2017. This economy downturn in Gross Domestic Product (GDP) was occasioned by the collapse of crude oil prices, security setbacks in the North-East, and Oil theft and oil pipeline vandalism. This challenge culminated to increasing unemployment, rising inflation, weakening national currency, declining foreign exchange reserves and weakening balance of payments.**

**如贵方所知，尼日利亚经济连续两个季度负增长，国家统计局（NBS）已经正式确认国家经济进入衰退期。尼日利亚经济继2016年第一季度出现0.36%的负增长之后，第二季度继续萎缩2.06%。此次国民生产总值（GDP）下滑由原油价格暴跌、东北地区安全问题、偷油和输油管道遭到故意破坏等因素造成，最终导致失业率攀升、通货膨胀日益加剧、本国货币疲软、外汇储备下降以及国际收支失衡。**

**The discovery of shale oil and high investment in alternative energy in the USA and other developed countries could further reduce demand for crude oil. This could induce a significant fall in foreign exchange earnings, external reserves and fiscal revenues.**

**页岩油的发现以及美国和其他发达国家对替代能源的大举投资，均会进一步降低原油需求，从而导致外汇收入、外汇储备和财政收入大幅滑落。**

**According to the Debt Management Office (DMO), the nation's total indebtedness to foreign and local creditors now stands at** **N19.16tn. This is a N1.8tn increase from the N17.36tn recorded at the end of December 2016. As of March 31, 2015, the country's total debt stood at N12.06tn. This means the debt level increased by N7.1tn in two years.**

**据债务管理办公室（DMO）统计，尼日利亚国内外总债务现高达19.16万亿奈拉，比2016年12月底的17.36万亿奈拉高出1.8万亿。截至2015年3月31日，尼日利亚的总债务为12.06万亿奈拉，两年间债务水平增长达7.1万亿。**

**Nigeria's debt hits N7.1tr increment under the present administration. The external debt component, however, has been affected by exchange rate variations. According to the DMO, the official exchange rate was pegged at N306.35 to $1. The domestic debt component of the states stood at N2.96tn as of March 31, 2017.**

**本届政府执政期间尼日利亚债务增加7.1万亿奈拉，其中外债受汇率变化影响。据DMO介绍，此前奈拉对美元的官方固定汇率为306.35奈拉对1美元。截至2017年3月31日，国内债务达2.96万亿。**

**Although foreign debts are accounted as cheaper than domestic debts, the government has increasingly depended on domestic sources of borrowing as foreign donors place more stringent conditions before granting credit facilities to the government. The International Monetary Fund had recently projected that Nigeria's indebtedness would climb to 24.1 per cent of the nation's Gross Domestic Product by 2018. It said that the country's current indebtedness would have reached 23.3 per cent of the GDP by the end of 2017.**

**虽然外债成本低于内债，但由于国外捐助方收紧对尼日利亚的贷款条件，政府越来越依赖国内借贷渠道。国际货币基金组织近日预测，到2018年，尼日利亚债务将攀升至全国国内生产总值的24.1%，并表示到2017年底目前债务将会达到GDP的23.3%。**

**The country closed 2016 with a debt to GDP ratio of 18.6 per cent. By the end of 2015, Nigeria's debt to GDP ratio stood at 12.1 per cent, according to the Bretton Wood institution.**

**据布雷顿森林机构统计，2016年底，尼日利亚债务占GDP之比为18.6%，而2015年该比值为12.1%。**

**Nigeria's GDP for the year ended December 31, 2016 stood at N67.98tn, according to the National Bureau of Statistics. Going by the projection of 24.1 per cent for 2018, within three years, the nation's debt to GDP ratio would have gone up by 100 per cent, from 12.1 per cent in 2015.**

**根据国家统计局数据，截至2016年12月31日年末，尼日利亚GDP为67.98万亿奈拉。按照2018年全国债务占GDP比例达到24.1%的预测，与2015年的12.1%相比，该比值三年间涨幅达100%。**

**Although, Nigeria's debt to GDP ratio is considered among the lowest in Africa, some experts have expressed worries about the increase in debt accumulation in recent years, while others are worried about the quality and utilization of the debts.**

**虽然尼日利亚债务占GDP之比在非洲属于最低之列，但部分专家对近年债务激增表示担忧，其他一些专家则担心债务质量和债务用途。**

**The World Bank recently expressed concern over the debt servicing to revenue ratio, saying that reduced earnings might render the country's debt unsustainable. A total of N1.84tn was provided in the 2017 budget for debt servicing.**

**世界银行近日对尼日利亚债务偿还与收入比表示关注，称尼日利亚收入降低可能导致债务无以为继。2017年尼日利亚债务偿还总预算为1.84万亿奈拉。**

**Nigeria's debt profile is dominated by local debts, which are characterized by high interest rates. Efforts are being made to secure more foreign debts and reduce the exposure of the Federal Government to the domestic debt market.**

**尼日利亚债务主要是高利率内债。目前国家正在努力争取外债，****减小联邦政府对国内债券市场的风险敞口。**

**Will Nigeria take control measures? i)The take-off of the Sovereign Wealth Fund in 2013, continued build-up of the country's foreign reserves that is enough to cover almost one year of imports, adherence to the Fiscal Responsibility Act 2007, continued restructuring of expenditures in favour of capital expenditures, and several other fiscal consolidation initiatives would further stabilize and improve Nigeria's fiscal position. ii) The medium term Debt Management Strategy recently approved by the Federal Executive Council is aimed at restructuring Nigeria's debt reducing the cost of foreign borrowing and giving greater access to domestic and other funding sources to the private productive sector of the economy.**

**尼日利亚会不会采取控制措施？i）尼日利亚2013年推出主权财富基金，外汇储备持续增长几乎足以涵盖全年进口，全国上下严格遵守《2007年财政责任法》，继续以有利于资本支出的方式调整财政支出，并且启动其他几项财政巩固举措，这些都会进一步稳定、改善尼日利亚财政状况。ii）联邦执行委员会近期通过中期债务管理策略，旨在重组尼日利亚债务、降低外债成本并扩大全国私人生产部门的国内资金和其他资金来源。**

1. Could Nigeria please elaborate on the legal basis, procedures and related laws and regulations regarding the execution of court rulings or international arbitration awards? Are there any time limits for the recognition and execution of these awards in Nigeria? What legal instruments can the party resort to in the malicious delay of an execution? What measures will Nigeria take to further improve its investment environment?
请尼日利亚政府详细说明其承认和执行法院判决或国际仲裁庭裁决的法律依据、程序及相关法规？是否存在承认和执行相关裁决的限制？如果拒不执行，则另一方可诉诸何种法律以获得救济？尼日利亚将采取何措施继续改善其投资环境？

**Answer：Nigeria has its own arbitration Act and laws that seek to enforce arbitrary ruling and this is the Nigeria Arbitration and conciliation Act 2004. The** **Arbitration and Conciliation Act chapter (A) 18 laws of Nigeria 2004 is the National Arbitration law and mandatorily applies to all domestic arbitration where parties have not chosen any other law to govern their arbitration. Nigeria is a signatory to the New York convention and this means international arbitral ruling are enforceable subject to country by country reciprocity rules.**

**答：尼日利亚制定有强制执行仲裁裁决的仲裁法律，即《2004年尼日利亚仲裁与调解法》。《2004年尼日利亚仲裁与调解法》第(A) 18章为全国仲裁法，强制适用于仲裁方未选择其他管辖法律的所有国内仲裁案件。尼日利亚是《纽约公约》签署国，因此国际仲裁裁决的执行须服从国家互惠原则。**

**The limits will be as imposed by the relevant treaties Nigeria has been entered into. In case of malicious execution, the party can go to a local court for judgment. Arbitral judgment can be enforced by the following means:**

**具体限制按尼日利亚签署的相关条约执行。如果出现拒不执行的情况，一方可提请当地法院判决，并通过以下方式强制执行仲裁判决：**

**-An action by the award itself.**

**执行仲裁裁决。**

**-By registration under the foreign judgment reciprocal enforcement Act of 1990.**

**根据《1990年外国判决互惠执行法》登记。**

**-Under .section 51 of Arbitration and conciliation Act 1990 as amended.**

**根据《1990年仲裁与调解法》（修正案）第51条执行。**

**-Under the New York convention 1958.**

**根据《1958年纽约公约》执行。**

**-Under the** **international center for settlement of investment disputes convention.**

**根据国际投资争端解决中心公约执行。**

**Measures to improve investment environment includes:**

**改善投资环境的措施包括：**

**-Clarity of rules e.g. regulations, laws, and policies**

**明确相关规定，如法规、法律和政策**

**-Investment Security**

**保障投资安全**

**-Political stability**

**稳定政局**

**-Macroeconomic stability**

**稳定宏观经济**

People's Republic of China

Follow-up questions:

1. Nigeria's trade-related legislation has remained largely unchanged since its last Trade Policy Review in 2011 (Table 2.1). …… Several laws in Nigeria are outdated and new legislation for some sectors is pending approval by the National Assembly; including draft bills on……the metallurgical industry…….

Please explain the core content of the legislation on the metallurgical industry. Why do these legislations fail to be approved by the National Assembly?
请说明冶金业法规的核心内容是什么，未获议会通过的原因是什么？

***Answer: The process of rule-making in Nigeria is iterative and can take a while, based on the legislative calendar of meetings. All legislations must be approved by the two chambers of the*** ***National Assembly and thereafter reconcile in a joint committee and be accented to by the President.***

***答：尼日利亚立法过程繁杂，需要一定的时间，具体取决于立法会议日程。新法经国会两院批准后，由联合委员会协调，再由总统公布。***

1. In Nigeria, customs valuation is based on the transaction value of the imported goods in the first instance. According to the authorities, in around 80% of cases, import duties are based on the transaction value. If the transaction value is not available, then duty is determined based on the transaction value of identical goods or, when a comparison with identical goods is not possible, the transaction value of similar goods is considered. In cases where none of the above methods are possible, the following are considered in order of preference: sales value in Nigeria of identical goods; sales value in Nigeria of similar goods; computed value; and lastly, a reasonable value according to the customs authorities.

Apart from the valuation methods based on the transaction value, please explain whether the other valuation methods mentioned in this paragraph comply with the WTO rules on Customs Valuation? Please list relevant valuation regulations in Nigeria and provide detailed information.
以上段落中提及的除成交价格估价方法外的其他几种估价方法是否符合《WTO估价协定》的规定？请尼方提供其国内相关估价法规并解释。

**Answer: Yes. Nigeria is WTO Customs Valuation Agreement (CVA) compliant.**

**答：是的，尼日利亚遵守WTO《海关估价协定》（CVA）。**

1. In some cases, Nigerian Customs finds it difficult to assess the valuation for a certain product. For example, it notes that it is difficult to confirm invoice value with transaction value. For social reasons, the government may maintain a minimum value on certain products, such as staple foods, second-hand goods and tyres, in which case the government sets a benchmark.

The WTO rules on Customs Valuation specify that valuation by the minimum value should be completely eliminated. While certain products in Nigeria are still being valuated based on the minimum value. Please explain the reason.
按照《WTO估价协定》的规定，应该全面消除采用最低限价的方式估价。但尼方仍有几种货物存在最低限价（minimum value），请尼方解释原因。

**Answer: It is in line with WTO CVA Article VII**

**答：估价符合WTO CVA第七条**

1. The Nigerian Export Promotion Council is responsible for promoting non-oil exports by encouraging Nigerian exporters to increase their export volume, broaden export product and market coverage, and diversify the productive base of the economy. Under the Export Act (Incentives and Miscellaneous Provisions) of 1992, as amended in 2004, the Export Expansion Grant (EEG) Scheme provides cash incentives for exporters based on the export value of their products. Applications for the EEG are assessed on "weighted eligibility criteria" (based on data provided by individual applicant companies): local value added (20%); local content (20%); employment of Nigerian nationals (20%); priority sector (10%); export growth (25%); and capital investment growth (5%). The maximum EEG rates for different product categories are: finished goods, 30%; semi-finished goods, 15%; and primary goods, 15%; while the minimum rates are 15%, 5%, and 5% respectively.

Please clarify the details of the Export Expansion Grant (EEG) Scheme.

**Answer: *The Export Expansion Grant (‘EEG’ or ‘the Scheme’) is one of the export incentives introduced by the Federal Government through the Export (Incentives and Miscellaneous Provisions) Act, No. 18 of 1986 as amended by the Export (Incentives and Miscellaneous Provisions) Act, No. 65 of 1992, Cap. E19, Laws of the Federation of Nigeria (LFN). The EEG is non-cash post-shipment incentive (Negotiable Duty Credit Certificates were given to beneficiaries for the settlement of customs and excise duty) designed to improve the competitiveness of Nigerian products and commodities and expand the country’s volume and value of non-oil exports. With the 2016 review of the Scheme, Government abolished the use of NDCCs and introduced the Export Credit Certificates for the settlement of Tax by beneficiaries.***

***答：扩大出口补助计划（‘EEG’或‘计划’）是联邦政府推出的一项出口激励措施，其法律依据为1986年第18号《出口（激励及其他规定）法》，经《尼日利亚联邦法律》（LFN）第E19章1992年第65号《出口（激励及其他规定）法》修正。EEG是装运后提供的非现金激励措施（向受助方发放可转让关税信用证书（NDCC），用于结算关税和消费税），旨在提升尼日利亚产品和商品竞争力，扩大非石油产品的出口数量和价值。2016年政府对该计划进行评审，废除NDCC，推出出口信用证书供受助方结算税费。***

***The Scheme operate a product-cum-company specific Weighted Eligibility Criteria template to assess beneficiary performance and determine the EEG rate applicable to each company. The 2016 review witnessed the upward review of the Eligibility Criteria and the downward review of the EEG rate from 5%-30% to 5%-15%.***

***该计划实行产品和公司综合加权申请标准模板，评估受助方业绩，确定各公司EEG补助率。2016年评审提高了申请标准，同时将EEG补助率从5%-30%下调至5%-15%。***

1. Please give more information about the condition for the EEG based on the criteria.

**Answer: The criteria is based on the following*:***

***答：补助标准如下：***

* ***An intending beneficiary must be registered with the Corporate Affairs Commission.***
* ***意向申请人必须在公司事务委员会登记。***
* ***An eligible exporter must be registered with the Nigerian Export Promotion Council (NEPC)***
* ***符合条件的出口商必须在尼日利亚出口促进委员会（NEPC）登记。***
* ***An eligible exporter shall be a manufacturer producer or merchant of products of Nigerian origin.***
* ***符合条件的出口商必须是尼日利亚原产产品的制造商、生产商或批发商。***
* ***An eligible exporter must have carried out formal export with its export proceeds repatriated into a domiciliary account in Nigeria and confirmed by the Central Bank of Nigeria.***
* ***符合条件的出口商必须开展正式出口业务，出口收入存入尼日利亚银行账户，并由尼日利亚中央银行确认。***
* ***An exporter-company shall submit its baseline data which includes audited Financial Statement, information on operational capacity and Export Expansion Plan (EEP) to NEPC.***
* ***出口公司须向NEPC提交其基本资料，包括审计财务报表、经营能力信息和出口扩大计划（EEP）。***
1. ***Determination of Export Performance – Eligibility Criteria***

***确定出口业绩——合格标准***

***ELIGIBILITY CRITERIA THRESHOLD WEIGH***

***合格标准 限值权重***

***Local Value added 30% 20%***

***当地增值***

***Local Content 70% 20%***

***当地成分***

***Employment (Nigerians) 500 10%***

***就业（尼日利亚人）***

***Export growth 5% 35%***

***出口增长***

***Capital Investment 10% 15%***

***资本投资***

 ***Total Weight = 100%***

***总权重***

***The Weighted Eligibility Criteria has four bands: 15%, 10%, 7.5% and 5%. The following template will be used in assessing the incentive rate of every EEG applicant***

***加权合格标准分为四级：15%、10%、7.5%、5%。可使用下列模板评估EEG申请人可获得的补助率。***

1. Please explain whether the above-mentioned export incentives comply with the WTO rules, i.e. SCM agreement.

**Answer: *It is compliant with WTO Agreement, Article XVIII on Government assistance to economic development.***

***答：上述出口激励措施符合WTO协议第十八条关于政府经济发展援助的规定。***

1. An investor interested in setting up an enterprise in one of Nigeria's EPZs is required to complete and submit an investor's application form along with the required documents such as four copies of feasibility studies, four copies of an environment impact assessment Environmental Impact Assessment (EIA), a marketing strategy, sources of funding as well as a five-year financial projection plan.
Could Nigeria please introduce the detailed procedures for conducting the EIA in Nigeria?
请尼方介绍在境内开展项目环评的具体流程

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. Could Nigeria please introduce the procedures or qualifications required for conducting the EIA in Nigeria.
请尼方介绍在尼境内从事环评工作需要哪些相关手续或资质。

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. Could Nigeria please clarify whether a foreigner can conduct the EIA in Nigeria. If yes, what qualifications are required?
请尼方介绍外国人是否能在尼境内从事环评工作，如可以，则需要提供哪些资质证明。

**Answer: Yes, a foreigner can conduct EIA in Nigeria. The qualification requirements include accreditation by the Federal Ministry of Environment or engage the services of an EIA consultant, accredited by the Ministry and with a valid accreditation certificate.**

**答：可以，外国人可以在尼日利亚从事环评工作。资质要求包括通过联邦环境部认证，或聘请一名经环境部认证且持有有效认证证书的环评顾问提供服务。**

1. In order to benefit from the services of NEXIM, the exporter must be a duly registered Nigerian company and also be registered with the Nigerian Export Promotion Council (NEPC) as an exporter. The proportion to be financed depends on the type of facility/product: for pre-shipment, up to 75% of the value of the export; for post-shipment, up to 85% of the value of the export; for rediscounting and refinancing of export bills, up to 100% of the invoice value; and for project-related financing, up to 100% of the invoice value of the equipment provided it does not exceed 80% of the total project cost. NEXIM charges up to a maximum rate of 2% for guarantee fees and 1% for management fees for its guarantee facility. Please clarify the details concerning the different benefits received from NEXIM between different exporters based on the export value.

**Answer: *The benefits are categorized in different funding and risk bearing interventions of the bank as follows:***

***答：福利按银行不同的资金和风险承担干预措施分类，如下：***

* ***Working Capital – Pre & Post Shipment for a maximum of one year to support export oriented enterprises [EOEs] to access funds for stockpiling of seasonal goods, refinancing and/or rediscounting of export contracts through commercial banks etc.***
* ***营运资金——装运前后最长一年，支持出口型企业[EOE]通过商业银行等渠道获得季节性商品囤积资金、再融资和/或出口合同再贴现。***
* ***Project Finance – Largely equipment finance to support EOEs to import capital goods (machineries) and or foreign input raw materials for value added exports, with medium to long term tenor.***
* ***项目融资——主要为中长期设备融资，支持EOE进口资本货物（机器）和/或外国输入原材料实现******增值出口。***
* ***Export Credit Guarantee– Credit enhancement instrument***
* ***出口信用担保——信用提升工具***
* ***Export Credit Insurance & Inter State Road Transit [ISRT] Scheme – both in view, and would be geared towards supporting EOEs to enter new markets as well as promote trade within ECOWAS.***
* ***出口信用保险和国际公路运输[ISRT]计划——均在审议中，用于支持EOE进入新市场并促进西非国家经济共同体内部贸易。***
* ***Export Stimulation Facility (ESF) – intervention fund from the Central Bank of Nigeria at single digit interest rate to support exports to be purveyed as working capital and project finance.***
* ***出口激励贷款（ESF）——尼日利亚中央银行拨出的干预资金，以个位数利率放贷支持出口，用作营运资金或用于项目融资。***

1. Pursuant to the Industrial Development (Income Tax Relief) Act, Nigeria provides companies income tax holidays to "pioneer status" companies investing in specified industrial activities. The tax holiday is for three years and may be extended for up to another two years upon satisfaction of specified conditions. To qualify, a joint venture company or a wholly foreign-owned company must have a minimum share capital of N10 million and have incurred a capital expenditure of not less than N5 million. An application for pioneer status must be submitted within one year of the commencement of commercial production. Currently, there are 71 approved industries/activities with "pioneer status" in which companies may be engaged to benefit from the tax holiday. Please explain whether these tax incentives comply with the WTO rules, i.e. SCM agreement

**Answer: Yes. It is in line with the WTO rules. The tax incentives are aimed at helping the approved industries to facilitate the attainment of progressive development of Nigeria’s economy. The tax incentives therefore falls within Article XVIII of GATT 1994 and would therefore not be subjected to the SCM Agreement**

**答：是的，这些税收激励措施符合WTO规则，其目的是帮助获准行业促进尼日利亚经济的进步发展，因此属于1994年关贸总协定范畴，不受SCM协议约束。**

1. In 2011, the Federal Government introduced the Nigerian Minerals and Mining Regulation (NMMR) to streamline procedures for granting licences to investors (both local and foreign) in the form of mining titles. The regulation provided for the transfer of mining titles, subject to the approval of the Minister; and for the right to search for, or exploit minerals in Nigeria. Mining titles are issued on a first-come-first-served and use-it-or-lose-it basis, and are obtained through the Mining Cadastral Office.
How to guarantee the land rights of mining right holder through of the legal system?
如何从法律制度上保证矿业权人获得土地权？

**Answer: *The right to land use resides with the State Government but the right to the minerals resources resides with the Federal Government and priority is given to Mining Rights as it is in the*** ***Exclusive Legislative List. A prospective investor is, however, required to liaise with the host community and obtain their consent through a Community Development Agreement which is a condition for issuance of a mining title.***

***答：州政府拥有土地使用权，联邦政府拥有矿产资源开发权，由于采矿权属于联邦政府专属立法之列，所以采矿权优先于土地权。不过，潜在投资人必须与当地社区交涉，通过签订社区开发协议征得社区同意，满足此前提条件方可获得采矿权。***

1. Licenses can be granted through competitive bidding or individual request. Under competitive bidding, mineral locations are consolidated into blocks by the Government and such blocks are offered for sale to both local and foreign investors who have financial and technical capacities to undertake mining activities, especially for coal. The competitive bidding process includes advertisement in the media; due diligence process using data room; receipt of expression of interest (EOI); and preferred investor selection.

Please elaborate on the procedures for selecting a successful bidder.
请具体说明如何选择中标人。

**Answer: *The Pre-qualified investors selected are invited to submit Technical and Financial Bids which are evaluated based on agreed, transparent modalities to arrive at a Bid Winner which is announced. The Bid Winner is given opportunity to pay agreed Bid Price.***

***答：通过初审的投资人受邀提交技术标书和财务标书，按约定的透明模式评出中标人，予以公布。中标人有机会支付约定的投标价格。***

1. The sector's legislation guarantees the following: security of tenure through mining leases; transparent procedures for granting access to mining titles on a first-come-first-served, use-it-or-lose-it basis by the Ministry of Mines and Steel Development; internationally competitive mining incentives; and comprehensive geoscience data on mineral deposits and their locations in Nigeria.
Please provide the detailed information on the comprehensive geoscience data. Is the information on the mineral deposits and their locations in Nigeria open to the public?
请说明综合地学数据的具体情况，尼日利亚的矿床和位置信息是否公开可查。

**Answer: *Detailed information on geo-science data can be obtained from the Nigerian Geological Surveys Agency (NGSA). Yes the information is open to the Public.***

***答：可以，关于地学数据的详细信息可从尼日利亚地质调查局（NGSA）获取，该信息对公众开放。***

1. Foreigners are only authorized to start and carry on a mining business through limited liability companies as per section 54 of the Companies and Allied Matters Act (CAMA). ……All mining companies are required under the Minerals and Mining Act of 2007 to sign a Community Development Agreement with their host communities so that operating companies also benefit them as part of their corporate social responsibility.
Please brief us on the effect of this policy since its introduction in 2007. Is the Community Development Agreement required under the Minerals and Mining Act of 2007 still stipulated in the existing Act (Act of 2011)? What are the due rights and obligations of companies and communities? How to guarantee the fairness for both parties?
请简述2007年这项政策实施以来的效果。关于2007年法律中的社区开发协议，是否在现行法（2011法）中也这样规定？企业和社区各自权利义务是什么。如何保证对各方都公平？

**Answer: *The Policy of signing of Community Development Agreement is enshrined in the Minerals and Mining Act, 2007 as a pre-requisite for the issuance of a Mineral Title. Every mineral title holder must have shown evidence of signed Community Development Agreement (CDA) before issuance of the Mineral Title. The Policy has been very effective since 2007 leading to a fair share of negotiated benefits to the mining host communities.***

***答：《2007年矿产和采矿法》规定授予矿产所有权的前提条件是签订社区开发协议（CDA）。矿业权人必须出示证据证明其已经签署社区开发协议，方可获得矿产所有权。此政策自2007年生效以来，为矿产当地社区带来公平谈判利益。***

***The Mining Regulation, 2011 is deriving its powers from the Minerals and Mining Act, 2007 and thus just a detailed procedures for the purposes of implementation and monitoring of compliance. Further details of the rights and obligations of the of the companies and communities can be obtained from the website of the Ministry of Mines & Steel Development;*** [***www.minesandsteel.gov.ng***](http://www.minesandsteel.gov.ng) ***or www.miningcadascre.gov.ng***

***根据《2007年矿产和采矿法》颁布的《2011年采矿条例》制定了详细的实施和监督程序。关于公司和社区权利义务的详细信息可访问矿业和钢铁发展部网站***[***www.minesandsteel.gov.ng***](http://www.minesandsteel.gov.ng)***或www.miningcadascre.gov.ng***

1. The Nigerian Civil Aviation Authority (NCAA) provides services related to aviation safety and economic regulation…The Act provides for a 5% levy on air tickets, charter and cargo sales…
Please elaborate on how the 5% levy is collected, from whom it is collected and for what purpose it is used.
请详细说明征收5%税的征收方式和征收对象，以及具体用途。

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. Under the Federal Airports Authority of Nigeria Act of 2004, the Federal Airports Authority (FAAN) is responsible for the maintenance of existing facilities and the construction of new ones…
Is there any access restriction in the realm of civil aviation transport services, including foreign invested cargo airlines, general aviation, airports, air traffic control, aircraft maintenance, aviation ground services, aviation fuel, and computer reservation system? If there is any access restriction, what are the detailed restriction measures? Is there any plan or timetable for gradually lifting these restrictions?
对于外商投资运输航空、通用航空、机场、空管、飞机维修、航空地面服务、航空油料、计算机订座系统等民航运输服务领域是否存在准入限制？如有限制具体措施是什么，以及是否有进一步扩大开放的计划和时间表？

**Answer: *Yes, under the Federal Airports Authority of Nigeria Act of 2004, the Federal Airports Authority of Nigeria (FAAN) is responsible for the maintenance of existing facilities and the construction of new ones.***

***答：有限制，依照《2004年******尼日利亚联邦机场管理局法》的规定，尼日利亚联邦机场管理局（FAAN）负责维护现有设施和建设新设施。***

1. Please clarify the management system of Nigerian airports. Are these airports 100% owned by the government? Do all these airports adopt the public-private partnership (PPP) model? How much is social capital allowed to get involved in such model?
请介绍尼日利亚机场的管理体制，机场所有权是否100%归政府所有？是否所有机场都采取PPP模式，社会资本可参与的程度有多深？

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. Please clarify whether the PPP model is formalized by Nigerian laws or regulations. If it is not formalized, how does the government channel the PPP model?
请介绍PPP模式是否通过尼日利亚法律或规章进行规范，如没有，请介绍政府是如何引导PPP模式的开展？

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. Nigeria is undergoing diversification plan, the starting point is stable power supply to drive economic activities. The World Bank is providing technical and financial support for the Power Sector Plan. ……Despite its relatively low contribution to GDP, solid minerals also have large potential for growth.…… Solid minerals have great potential to grow. Oil and gas will continue to play a crucial role in Nigeria's economy, especially through value chain development and integration with other sectors.
Please elaborate on the measures to facilitate the development of solid minerals sector; what are the detailed activities of the World Bank regarding its financial and technological support? To what extent can these measures solve the power supply problem in Nigeria? What is the schedule?
请详细说明促进固体矿产业的措施；世界银行的财务和技术支持的具体安排是什么，能多大程度解决尼日利亚的电力供应问题？时间计划是什么？

**Answer: *The support from World Bank to the Power Sector is in the purview of the Federal Ministry of Power, however, Ministry of Mines and Steel Development is receiving support from the World Bank on Economic Diversification through the MinDiver Project.***

***答：世界银行对电力部门的支持在联邦电力部管辖范围内，不过，矿业和钢铁发展部正通过矿业推动项目（MinDiver Project）获取世界银行对经济多元化的支持。***

The solid mineral sector remains virtually untapped despite its great potential to contribute to Nigeria's GDP. With 44 known types of minerals of different combinations and proven quantities, they continue to be unexplored or under- utilized.
Despite the fact that the solid mineral sector is of great potential, according to the Secretariat however, it contributes only 1% of Nigeria's GDP. Please clarify the main reason for the underdevelopment of this sector. Why does the Nigerian government believe that the existing measures can fuel the development of the mineral sector and account for 5% and 10% of Nigeria's GDP in 2017 and 2020 respectively, as noted by the National Bureau of Statistics of Nigeria?
固体矿产有很大的增长潜力，但根据秘书处报告，只占GDP的1%。请尼日利亚政府说明目前未得到充分发展的主要原因，为什么认为现有措施能够促进矿业发展，达到尼日利亚统计局所称的2017年占GDP5%和到2020年达到10%。

**Answer: *As stated, there is huge potential in solid minerals which has remained largely untapped for decades due to the focus on oil and gas. Solis minerals exist all over Nigeria of which we estimate less than 10% is currently being exploited. There are also relatively few players. This is partly because policies and attention by government did not incentivize operations in the sector. This is now changing in line with government diversification strategy as contained in the ERGP. There is now a deliberate policy to focus a lot of attention on solid minerals development and an approved plan to encourage its development. Already the sector is witnessing growth of between 20-40% within the last year.***

***答：确实，由于几十年来重心一直放在石油和天然气上，固体矿产的巨大潜力基本未得到开发。固体矿产遍布尼日利亚，估计目前开发比例不到10%，开发商也相对较少。部分原因是政府未实行相应的激励政策，对行业关注不足。根据ERGP政府多元化战略，现在情况正在改变。政府经过深思熟虑已制定政策把注意力集中在固体矿产开发上，并批准一项鼓励固体矿产开发的计划，去年行业已实现20-40%的增长。***

1. The Government further aims to facilitate the production of coal to fire power plants; produce geological maps of the entire country by 2020; integrate artisanal miners into the formal sector; encourage and promote mineral processing and value addition industries that strengthen backward and forward linkages; create an enabling environment to enhance private investment, targeting energy minerals, iron/steel and gold/ gemstones; and decrease value leaks/loss by formalizing informal mine activities.
Please elaborate on the detailed plan for completing these geological maps before 2020, including budgets, geological map scale, and others.
请详细说明2020年以前完成地质图的详细计划，包括预算安排，地质图比例等。

**Answer: *The Federal Government of Nigeria has demonstrated willingness to carry out extensive generation of geo-science data by approving the sum of N30 Billion for the Natural Resources Fund to facilitate mining sector support for the diversification drive of the nation’s economy.***

***答：尼日利亚联邦政府批准总计300亿奈拉的天然资源基金，表明其进行全面地学数据勘察的意愿，从而促进矿业部门发展推动国家经济多元化。***

1. Page 10，Para 3.14- To this end, the "Smart Nigeria Digital Economy" Project is one of the priority areas in the Plan by the Ministry of Industry, Trade and Investment (MITI) for "diversification, modernization and growth". The project will cut across key sectors of the economy.
Please explain the status quo of Nigeria's information and data-based mineral sector. How is the new plan going to change the existing management of the mineral sector?
请说明目前矿业信息化数字化的情况，新计划将如何改变矿业管理现况？

**Answer: Yes, there is an existing database in mineral sector which is being enhanced.**

**答：是的，目前正在完善矿业部门的现有数据库。**

1. Page12 , Para 3.26- To formalize and give legal backing to the policy reform initiatives highlighted above, the National Assembly is considering for enactment a number of bills that are meant to support diversification and achieve structural transformation of the economy. These bills include the Petroleum Industry Bill (PIB); ……, Nigerian Metallurgical Bill.
Please clarify how to coordinate these diversified fields and objectives and how to allocate resources in different fields. What are the principles and decision-making procedures? Where do these resources come from?
请说明如何协调这些不同的领域、不同的目标，以及如何在不同的领域中分配资源？原则是什么？决策程序是什么？所需要的资源来自于何？

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. Page 14，Para 4.4- The 2002 Nigerian Trade Policy Regime was designed to integrate the country into the global trading system with a view to maximizing the advantages of globalization…
Please introduce the detailed measures or approaches adopted in order to achieve the above-mentioned objectives.
请尼方介绍为实现上述目标所采取的具体措施或手段

**Answer: The measures are under a process of policy development and shall be made available to members as soon as the process is completed.**

**答：具体措施正处于政策制定阶段，制定完成后会向成员公开。**

1. Please clarify whether there has been any negotiation or practice involving environmental issues in the free trade agreement or investment agreement of Nigeria. If not, dose the Nigerian government consider including environmental issues into relevant negotiations in the future?

**Answer: Detailed information would be provided later**

**答：稍后提供详细信息**

1. According the Secretariat report, Nigeria's trade-related legislation has remained largely unchanged since its last Trade Policy Review in 2011. Does the Nigerian government have any plan to facilitate the trade-related legislation process?
根据秘书处报告，自2011年以来，尼日利亚与贸易有关的立法基本上没有改变。尼方是否有加快与贸易有关的立法进程的计划？

**Answer: Yes, pursuant to the decision by the Nigerian Federal Executive Council to establish the Nigerian Office for Trade Negotiations.**

**答：有的，尼日利亚联邦执行委员会决定设立尼日利亚贸易谈判办公室。**

1. What are the investment-related laws and regulations in Nigeria? What is the core content of these laws and regulations?
尼日利亚有关投资的法律法规有哪些，核心内容是什么？

**Answer: The Basic National Investment Legislation and their provisions are:**

**答：尼日利亚基本投资立法及其规定包括：**

1. **The** **Nigerian Investment Promotion Commission Act 16 of 1995**

**Guarantees:**

**1995年第16号《尼日利亚投资促进委员会法》**

**该法保证：**

* **100% ownership assured except investment listed under the ‘Negative’ list or covered by the** **Nigerian Content and Cabotage Acts**
* **100%投资所有权，‘负面’清单列出的投资或《尼日利亚成分和沿海贸易法》涵盖的投资除外**
* **Protection of Investment /Non-expropriation of Investment:**
* **投资保护/不征收：**

**The NIPC Act 16 of 1995 guarantees that ‘no enterprise shall be nationalized or expropriated by any government of the federation’**

**1995年第16号NIPC法保证‘联邦政府不会征收或将任何企业国有化’**

**The Act also provides for arbitration in the event of an investor/state dispute.   “Where in respect of any dispute, there is disagreement between the investor and the Federal Government as to the method of dispute settlement to be adopted, the International Centre for Settlement of Investment Disputes Rules shall apply”**

**该法还对投资人与国家之间的争端作出仲裁规定。“投资人和联邦政府对争端处理方法无法达成一致时，以国际投资争端解决中心的规定为准”**

1. **The Foreign Exchange (Monitoring & Miscellaneous Provisions) Act 17 of 1995**

 **- Under the Act, investors are free to repatriate their profits and dividends net of taxes through any authorized dealer in freely convertible currency**

**1995年第17号《外汇（监督及其他规定）法》**

**——该法规定投资人缴纳相应税收后，可通过授权交易商将其利润和红利以自由兑换货币的形式汇回国内。**

1. **There are other sector specific regulatory legislations.**

**其他部门制定有专门的监管立法。**

1. What are the incentives for foreign-invested industrial parks (cooperation parks) in Nigeria? What are the restriction policies?
尼日利亚对外国投资设立产业园区（合作园区）有哪些鼓励政策？有哪些限制政策？

**Answer: Nigeria do not have cooperation parks in Nigeria. The treatment of local and foreign investors is identical. For the incentives available to ALL investors, please see the link: http://nepza.gov.ng/incentives.asp**

**答：尼日利亚没有合作园区。当地和外国投资者待遇相同。如需了解投资人鼓励政策，请参见链接：http://nepza.gov.ng/incentives.asp**