

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## **Nigeria**

### **Food and Agricultural Import Regulations and Standards - Narrative**

#### **FAIRS Country Report**

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**Report Highlights:**

The responsibilities for regulating Nigeria's food safety systems devolve within many GON organizations and agencies although National Agency for Food and Drug Administration and Control (NAFDAC) has played the lead role over the past decade. In 2010, the USDA/FAS collaborated with NAFDAC on a HACCP conference where all sectors in Nigeria's entire food safety chain participated. The HACCP conference underpinned the subsequent inauguration of Nigeria's National Food Safety Management Committee (NFSMC) which will take responsibility for food safety systems and operations when fully institutionalized. [Section I and Appendix I were updated]

## **Section I. Food Laws:**

Nigeria's food supply chain has continued to grow more complex and food borne diseases widespread and representing significant threats to health and the economy. Over the years, the GON recognized this challenge and has developed multiple structures, systems and laws to ensure that the country's food supply chain operates effectively and efficiently.

The responsibilities for regulating and monitoring food safety standards and practices in Nigeria devolve on the following government (GON) organizations and agencies:

- Ministries: Federal Ministry of Health, Federal Ministry of Agriculture & Water Resources and Federal Ministry of Commerce
- Departments: Federal Department of Fisheries and Federal Department of Livestock
- Agencies: National Agency for Food and Drug Administration and Control (NAFDAC), Standards Organization of Nigeria (SON), and Nigeria Agricultural Plant Quarantine Services (NAQS) and Consumer Protection Council

The following are the major Nigeria's food laws:

- Food and Drugs Act (Cap 150) of 1990 as amended by Decree 21 of 1999 (formerly called Food and Drugs Decree 35 of 1974)
- The Animal Disease Control Decree 10 of 1988
- The Marketing of Breast Milk Substitutes Decree 41 of 1990
- NAFDAC Marketing of Infant & Young Children Food and other Designated Products (Registration, Sales, etc) Regulations 2005
- Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Decree 25 of 1999
- The National Agency for Food and Drug Administration and Control (NAFDAC) Decree 15 of 1993 (as amended by Decree 19 of 1999)
- Drugs and Related Products (Registration etc) Decree 1993
- Non-Nutritive sweeteners in drug products (Prohibition) Regulations 1996
- Pre-packaged Food (Labeling Regulation) 1995
- Food grade (Table or Cooking) salt regulations 1996
- Pre-shipment Inspection of Exports Decree 1996
- Pre-shipment Inspection of Imports Decree 1996
- Consumer Protection Council Decree 66 of 1992
- Inland Fisheries Decree 108 of 1992

NAFDAC is the Government of Nigeria's (GON) food safety authority and responsible for the regulation and control of food product manufacturing, importation, exportation, advertisement, sale and distribution in Nigeria. Over the last decade, NAFDAC has played the lead role in enforcing regulation and control of processed food imports, manufacturing, distribution and promotion. It defines food as any "article manufactured, processed, packaged, sold or advertised for use as food or drink for human consumption, chewing gum and any other ingredient which may be mixed with food for any purpose whatsoever."

Under the provisions of the GON Act No 19 of 1993 (as amended) and the Food and Related Products

(Registration) Act No. 20 of 1999 and the accompanying Guidelines, no food item may be imported, manufactured, advertised, sold or distributed in Nigeria unless it has been registered by NAFDAC. Its scope is to regulate, protect and promote public health by ensuring the wholesomeness, quality, safety and efficacy (as applicable) of food, packaged water, drugs, cosmetics, medical devices, chemicals and detergents (referred to as regulated products) consumed in Nigeria. Its food regulation activities also cover:

1. Licensing of food manufacturing premises
2. Registration of food products and issuance of marketing authorization
3. Importation & exportation of food
4. Labeling of food products
5. Advertisement of food products
6. Inspection for GMP and GHP of food producing premises
7. Health control of Quick-service Restaurants
8. Marketing of Breast milk substitutes

(Visit: [www.nafdac.gov.ng](http://www.nafdac.gov.ng) for details)

NAFDAC also plays other important roles in Food Safety including:

- WTO (SPS) Enquiry Point (EP) in Nigeria (visit: [www.spsenquirypointnigeria.net](http://www.spsenquirypointnigeria.net))
- INFOSAN Focal Point/INFOSAN Emergency Contact Point in Nigeria
- Member of the Nigerian delegation to Codex meetings
- Chair of the General Purposes Technical Committee of the National Codex Committee (NCC)
- NAFDAC is the designated Rapid Alert System for Food and Feed (RASFF) focal point in Nigeria and therefore relates with European union on Food matters

NAFDAC operates at the Federal and State levels along with the state government agencies. At the local government level there are primary healthcare agencies responsible for street food vending and traditional markets, although they refer to NAFDAC for all cases that affect health.

Over the past few years, the management of NAFDAC has increased surveillance to curb widespread adulteration of food products. The main strategy employed by the Agency for the enforcement of Nigeria's food laws is the process of product registration. Contravention of the provisions of existing food laws is subject to prosecution and punishment as specified in the regulation.

In recent years, NAFDAC appears to have become more active and stringent in enforcing existing food laws, which has increased the level of awareness of the consumer to make informed choices and has also encouraged local producers. Any food item not registered with NAFDAC is not legally importable. However, many processed foods are routinely illegally smuggled into Nigeria through the land borders, by sea and by air without having gone through the registration process.

However, NAFDAC is currently applying modern technological tools such as Truscan, a hand held device to detect counterfeit medicines on the spot, to fight counterfeiting. Through its Pilot Mobile Anti-counterfeiting System (which uses text messaging technology to put the power of detecting counterfeits in the hands of the consumers), NAFDAC has also advanced efforts to educate consumers detection of counterfeit foods. It also doing this by collaborating with a number of Government Agencies and Civil Society Organizations including Standards Organisation of Nigeria (SON), National Drug Law Enforcement Agency (NDLEA), Pharmacists Council of Nigeria (PCN), Nigeria Police Force (NPF),

Nigeria Custom Service (NCS), Consumer Protection Council (CPC), Pharmaceutical Manufacturers Group of Manufacturers Association of Nigeria (PMG-MAN), Association of Food Beverages and Tobacco Employers (AFBTE), etc. [For details, visit:

[http://www.nafdac.gov.ng/index.php?option=com\\_content&view=article&id=46:nafdac-organisation](http://www.nafdac.gov.ng/index.php?option=com_content&view=article&id=46:nafdac-organisation)]

Overlap of functions, absence of working collaboration and co-ordination with poor communication among Nigeria's food regulators and the overwhelming product adulteration/faking constitute a major challenge within Nigeria's food safety system. However, USDA/FAS had in 2010 collaborated with NAFDAC on a HACCP workshop which had as a result led to the formation and inauguration of Nigeria's National Food Safety Management Committee. The committee's composition recognized all sectors in Nigeria that are responsible for entire food chain in Nigeria.

When fully operational, the committee will be responsible for food safety and quality control measures from farm to table.

## **Section II. Labeling Requirements:**

### **A. General Requirements**

NAFDAC regulations require food labeling to be informative and accurate and not fraudulent or misleading. The following is the outline of NAFDAC's minimum labeling requirements:

- A product's brand name or common name must appear in bold letters. Name and full "location" address of the manufacturer showing country of origin must be provided on the product label.
- The production "batch" or "lot" number, date of manufacture and best before/expiry date.
- Net content, specifying essential ingredients in metric weight for solids and metric volume for liquids.
- Ingredients must be listed by their common names in order of their prominence by weight.
- Food additives and colors must be declared on the label.
- Spices, flavors and colors may be listed as such, without naming the specific material, but any artificial color or flavor should be identified as such.
- NAFDAC registration number must be included on the product label. Labeling should be in English. If it is in another language, an English translation must be shown on the label or package insert (where applicable).
- If the standard U.S. label addresses the above-mentioned items, no additional labeling is necessary for imports of U.S. food items.
- Stick-on labels meeting NAFDAC requirements are permitted provided they don't remove easily.
- Foreign labels must be adhered prior to the product arrival at the Nigerian port of entry. Foreign label must be applied prior to export.
- For production and expiry dates, Nigerians write the date before the month. U.S. exporters are advised to specify the month in words (July 1, 2005 or indicate mm/dd/yr) to avoid conflicts that may arise in mistaking the day for the month.
- NAFDAC regulation stipulates that all food products should carry best-before dates and/or shelf life on their packaging. The regulation states that the expiry date should be "at least half the shelf life as at time of inspection." The last sentence is interpreted to mean that at the time of inspection (by NAFDAC after clearing Customs), that the period from the inspection date until the expiration date should be equal to or greater than half of the total shelf life of the product

(date of production until expiry).

- NAFDAC does not grant exceptions to labeling requirements.

## **B. Requirements Specific to Nutritional Labeling**

- The standard U.S. nutritional fact panel is acceptable by NAFDAC. Any nutritional claim on the product's label must be justified. Nutritional labeling is mandatory for any prepackaged food item for which the manufacturer makes a nutrition or dietary claim.
- Foods for special dietary uses with claims of disease prevention, treatment, mitigation, cure or diagnosis must comply with NAFDAC's guidelines for registration of drugs and be registered as medicinal products or "nutriceuticals".
- Labels must contain directions for safe usage, cautions such as interactions when taken with other drugs.
- Additional nutritional labeling information is voluntary.

## **Section III. Packaging and Container Regulations:**

- At present, NAFDAC regulations are not specific on packaging, but the agency is in the process of developing regulations on packaging. No specific waste disposal laws or product recycling regulations impact imported food products and NAFDAC does not impose any specific restrictions on packaging materials. However, plastics must be of food grade and should not leach into the product.
- Nigerian importers, however, often express a marked packaging preference for certain high value food products (HVP), namely:
  - Relatively small sized products prepared and packaged for one-time use.
  - Products that can be shipped in bulk and re-packaged locally.
  - Perishable food products that undergo processing/packaging treatment to achieve an extended shelf life without refrigeration.

## **Section IV. Food Additives Regulations:**

- Nigerian food additive regulations are specified in the GON's Act 19 of 1993.
- NAFDAC has developed a positive additive list, which is available at the Regulatory Affairs Unit of Registration and Regulatory Affairs Directorate.
- A very short negative (prohibited) list does exist. NAFDAC has a specific food additive regulation on non-nutritive sweeteners and on fortification.
- NAFDAC requires that wheat and maize flour, vegetable oil and sugar be fortified with Vitamin A, while salt must be iodized.
- NAFDAC applies the food additive standards of the Codex Alimentarius Commission, EU and FDA in its assessment of food safety.
- No person may manufacture, import, advertise, sell or present any food item or beverage containing a non-nutritive sweetener for human consumption unless the product is "specified for special dietary usage."
- Non-nutritive sweeteners, including saccharin and cyclamates, may be used in low calorie, dietary foods/beverages but are not permitted in any food or beverage to be consumed by infants or children.
- Potassium bromate as a bread improver is not permitted. Other several bread improvers are now available.
- Any person or company found to be in violation of any provision of the NAFDAC Decree No 19

of 1993, as amended, will be subject to a fine of 100,000 Naira (about \$700) or imprisonment for a period of one year or both.

### **Section V. Pesticides and Other Contaminants:**

The pesticide residue limits and mycotoxin standards of the Codex Alimentarius Commission, EU and USFDA are applied by NAFDAC in its assessment of food safety. All food products must have a certificate of analysis, which demonstrates NAFDAC's requirements that the item is free of radioactive material in addition to other quality parameters. There is a maximum residue limit for approval of pesticides. NAFDAC reserves the right to subject any domestic or imported product to its own analysis to determine wholesomeness of food product. NAFDAC officials routinely subject imported foods to inspection and analysis at the port of entry, retail level and also perform laboratory analysis. Contaminated products are subject to seizure and destruction by NAFDAC and possible prosecution. Additionally, information on approved pesticides may be obtained from NAFDAC (see contact information at end of this report). NAFDAC has Pesticides Regulation in place available at all its offices nationwide.

### **Section VI. Other Regulations and Requirements:**

#### **A. General**

The manufacturer shall make an application for the registration of processed food. In case of a manufacturer outside Nigeria, such shall be represented in Nigeria by a duly registered Nigerian company with facilities to implement a recall of the product when necessary. Note that the representative will be responsible for ensuring that the health competent authority in the country is informed of any serious hazard newly associated with a product.

Importers of food products must first submit an application on a prescribed form to the Directorate of Registration and Regulatory Affairs, NAFDAC, stating the name of the manufacturer, name (brand name where applicable) of the product. This form, labeled "FORM D-REG/001" is available online at NAFDAC's website for download.

A separate application form shall be submitted for each regulated product. The following are documentation for registration and renewal of permit for imported food products:

- Foreign manufacturers must be represented in Nigeria by a duly registered company or individual with the capacity to implement a product recall when necessary.
- NAFDAC considers the local representative to be fully responsible for all matters on the product, such as registration, distribution re-calls, legal actions etc.
- The Nigerian importer/distributor must file evidence of a Power of Attorney from the manufacturer, which authorizes him to be the representative in Nigeria.
- A certificate of manufacture and free sale issued by a competent health authority, authenticated by the Nigerian Embassy in the country of origin. Product license or evidence of product registration in the country of origin is an added advantage.
- All importers must submit the certificate of registration of brand name/ trademark with the trademark Registry in the Ministry of Commerce in Nigeria. This is done in the name of the owner of the trademark to protect the owner.

A NAFDAC application form duly completed by the local agent (importer) for the registration of each regulated product.

- Fifteen product samples (twenty in the case of dairy products) depending on pack size must be provided to NAFDAC for physical/laboratory analysis and vetting which takes about four to eight weeks.
- Permit must be obtained to import limited quantities for the purpose of registration.
- A comprehensive certificate of product analysis issued by the manufacturer.
- A letter of invitation for the inspection of factory to be submitted by the applicant in Nigeria and shall state the full location address of the manufacturer, name of contact person, E-mail address, current phone and fax numbers.

NAFDAC registration process involves documentation, inspection of manufacturing facilities, review of the GMP inspection report, laboratory analysis for assessment of wholesomeness and quality, vetting of labels to confirm compliance with NAFDAC's labeling regulations. The process also involves advertisement (optional) control to ensure that it is not deceitful, fraudulent or misleading. These activities culminate in the issuance of a NAFDAC Registration Number, which is an attestation of product quality and safety.

The process of registration now involves GMP audit visits by inspectors of the agency to factory locations in the respective countries of origin. The registration of any food product with NAFDAC is a detailed process and could take between 1-3 months from the date samples are submitted for laboratory tests to be completed. U.S. manufacturers/exporters wishing to sell their food products in Nigeria also should be aware of relevant requirements and regulations of the Nigerian Customs Service mentioned in section IX of this report. A successful application will be issued a certificate of registration with a validity period of five years.

### **Guidelines for Agents of Foreign Manufacturers**

Agents of foreign manufacturers are to take the necessary steps to ensure that regulated products intended for the Nigerian market are registered before consignments of such products are imported into the country. The NAFDAC will normally authorize the importation of small quantities of unregistered products for the purpose of submission as samples for registration. A written authorization specifying the quantity of the unregistered products to be imported can be obtained from the Registration and Regulatory Affairs Directorate of NAFDAC at the Central Drug Control Laboratory, Yaba, PMB 12949-12525, GPO Marina, Lagos.

On arrival of the imported samples and presentation of the authorization to the NAFDAC inspectors at the ports, the consignment will be treated the same way as other normal imported consignments. Before the consignment is therefore cleared from the ports, the importer is required to present the following:

- Authorization to import samples of the unregistered product.
- Bank draft for the prescribed port inspection fees payable to NAFDAC.
- Properly completed Customs Bill of Entry
- Certificate of Analysis of the product issued by the manufacturer.
- Certificate of Manufacture and Free Sale issued by a Government Authority empowered by law in the country of origin to exercise regulatory control over the product authenticated by the Nigerian Embassy in the USA.
- Power of Attorney, notarized, issued by the manufacturer to the Nigerian local agent.

In the event of any violation, the consignment of the unregistered product would be cleared from the ports to a bonded warehouse at the expense of the importer. Thereafter, the importer is prosecuted and the products forfeited to the Government together with any assets or property obtained or derived directly or indirectly from the commission of the offence.

### **B. Expiry Dates**

NAFDAC Pre-packaged Food Labeling Regulations stipulates that all food products should carry best-before dates and/or shelf life on their packaging. The policy states that the expiry date should be "at least half the shelf life as at time of inspection." The last sentence is interpreted to mean that at the time of inspection (by NAFDAC after clearing Customs), that the period from the inspection date until the expiration date should be equal to or greater than half of the total shelf life of the product (date of production until expiry). U.S. exporters are advised to specify the month in words (July 1, 2005 or indicate mm/dd/yr) to avoid conflicts that may arise in mistaking the day for the month.

### **C. Registration Fees**

The initial fee for registering each product is 750,000 naira (about \$5,800). The license is renewable every five years. The renewal fee is 450,000 naira per product. Additionally, NAFDAC requires an additional payment of port inspection and clearance fees of 90,000 Naira for each container. No applicant will be allowed to register a food product in more than one name. Where different flavors of the same food are produced, each flavor will have to be registered separately.

**Global Listing for Supermarket (GLS) items:** Major supermarket operators or importers can import mixed container loads of high value products (HVP) under NAFDAC's global listing for supermarket (GLS) items. Items allowed under the GLS include those regulated by NAFDAC sold in supermarkets and other specialties required by hotels, fast food chains and international organizations (excluding registered items). Firms participating in the program must have supermarkets that are certified by NAFDAC and are routinely inspected by the agency.

The annual tariff for group product registration has been revised as follows:

<b>Number of Items</b>	<b>Global Annual Registration Tariff</b>
Less than 500	375,000 Naira
501 – 2500	1,000,000 Naira
2501 – 5000	2,500,000 Naira
Greater than 5000	5,000,000 Naira

**Exchange Rate: US\$1 = 160 Naira**

- All fees for processing and registration have to be paid in 'bank draft' payable in favor of the "National Agency for food and Drug Administration and Control plus five percent value added tax for each transaction.
- In addition to the fees, normal port handling charges are assessed. Products imported under the GLS must meet the labeling and other requirements listed in sections II and VI. For products

imported under GLS, a representative sample is subject to laboratory tests.

#### **D. Prepackaged Food Products**

The following guidelines govern the sale of prepackaged food products in Nigeria:

- No person may sell a prepackaged food unless a label has been affixed thereto.
- A prepackaged food label must not be presented in a manner, which is false, deceptive or likely to create an erroneous impression regarding its character, quality, quantity and origin.
- A complete list of ingredients used in preparing the food item will be declared on the label in a descending order of their proportion.
- A date of minimum durability must be identified on the label along with any special storage conditions.
- Prepackaged food items that are treated with ionizing radiation must be so declared and the nature of the ionizing radiation will be stated on the label.
- NAFDAC officials routinely visit depots, markets and retail outlets to confirm that all imported food products are in compliance with local regulations.

NAFDAC may prohibit the importation, distribution, sale or use of any prepackaged food item, temporarily or permanently as well as impose administrative fines against any product failing to comply with the above regulations.

#### **E. Advertisement Requirements**

NAFDAC must approve all advertisement/promotional materials prior to utilization.

- Advertised food products must demonstrate to the GON that the products are legally registered with NAFDAC.
- An application for advertisement must be submitted to NAFDAC for its approval. This approval process is in addition to the Certificate of Registration issued by NAFDAC, which authorizes importation and sale in Nigeria.

#### **Section VII. Other Specific Standards:**

After several years of discussion and debate, the Nigeria Senate passed the Bio-safety Bill into law on June 1, 2011.

- The passage of the law demonstrates that the country is prepared to receive, regulate and most importantly, commercialize biotechnology products.
- The law leans heavily on the precautionary approach and requires certification and mandatory labeling for imports of all products of biotechnology.
- Nigeria is currently conducting field trials for transgenic cow pea, sorghum and cassava varieties.
- Visit the following FAS GAIN Report for details: <http://fasintranetapps-gain.fas.usda.gov/Lists/Advanced%20Search/AllItems.aspx>
- At present, NAFDAC requires wheat and maize flour, vegetable oil and sugar consumed in Nigeria to be fortified with vitamin A. Salt must also be fortified with iodine.

#### **Section VIII. Copyright and/or Trademark Laws:**

Nigeria is a member of the World Intellectual Property Organization (WIPO) and a signatory to the Universal Copyright Convention (UCC) and other major International Agreements on Intellectual Property Rights (IPR). Despite active participation in international conventions and an apparent interest

in IPR issues, GON efforts are largely ineffectual in curtailing widespread copyright violations. The Trade Marks Registry of the Federal Ministry of Commerce is responsible for issuing patents, trademarks, and copyrights. Once conferred, a patent conveys the exclusive right to make, import, sell, use a product, or to apply a patented process. The Trademarks Act of 1965 governs the registration of trademarks. Registering a trademark grants the holder the exclusive right to use the registered mark for a specific product or class of products.

Statutes, which govern IPRs in Nigeria, include the Copyright Act of 1988 (amended in 1992). The copyright decree of 1988, which is based on WIPO standards and U.S. copyright law, makes counterfeiting, exporting, importing, reproducing, exhibiting, performing, or selling any work without the permission of the copyright owner a criminal offense. Enforcement of the 1988 law is not common. The expense and time required to pursue a copyright infringement case through the Nigerian judicial system often deters prosecution of such cases.

## **Section IX. Import Procedures:**

### **A. Inspection**

- Effective January 1, 2006, the GON commenced the implementation of Destination Inspection (DI) to replace Pre-shipment Inspection (PSI).
- Under the new scheme, goods destined for Nigeria's ports are inspected at the point of entry rather than at the point of shipment, which was hitherto the practice.
- The scheme will be carried out by the Nigeria Customs Service (NCS), while three firms that will act as Destination Inspection Service Providers, will provide scanning services at ports of entry.
- For details of the operational guidelines for the new inspection scheme, including import procedures, import duty payment procedures, documentation requirements and processes, refer to GAIN Report NI7005.

Nigeria's ports continue to present major obstacle to trade. Clearances may require the approval of NAFDAC, Standards Organization of Nigeria, Nigerian Drug Law Enforcement Agency and a number of other agencies stationed at Nigerian ports. Importers face inordinately long clearance procedures, high berthing and unloading charges and corruption. It is hoped that the recent adoption of the Automated System of Custom Data (ASYCCUDA+++), with the assistance of UNCTAD will ultimately streamline the operations of the Nigeria Custom Service.

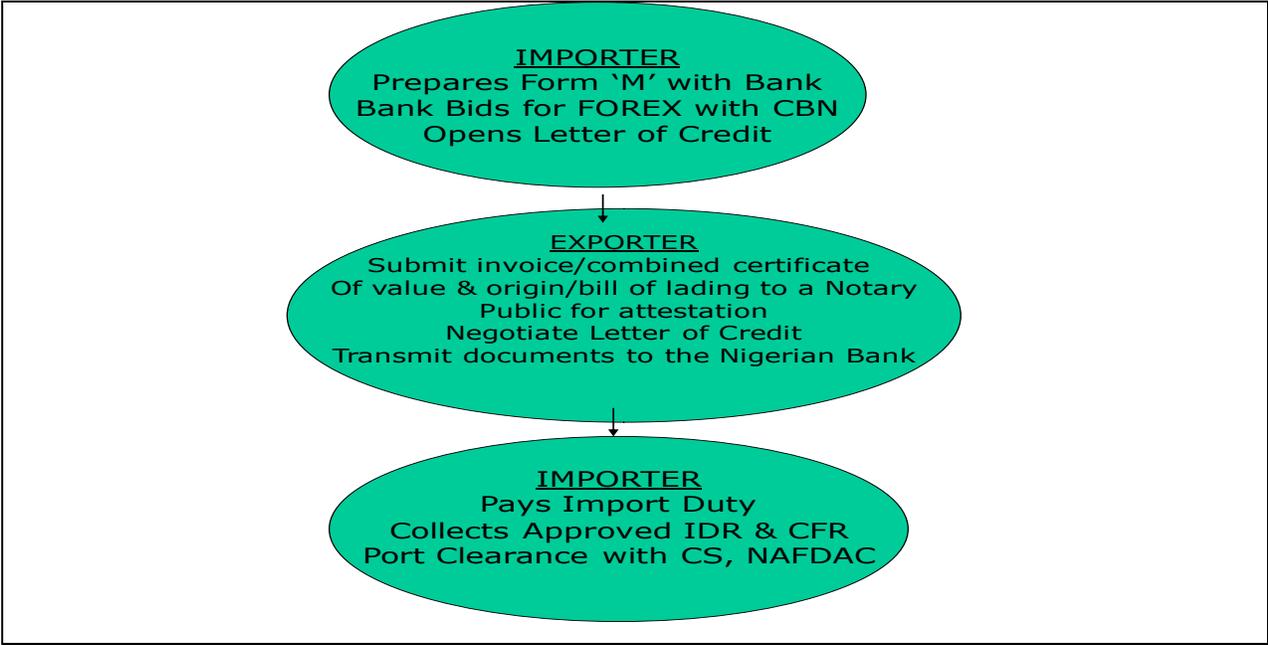
As part of its commercialization program, the GON has embarked upon port concession. Under this program, the GON owns the port while private sector operators would provide some port operations. The GON adopted this policy because of such perceived advantages as; increased efficiency, increased return on assets and smoother operations.

### **B. Documentation**

- Any person intending to import physical goods into Nigeria shall in the first instance process Form 'M' through any authorized dealer bank irrespective of the value and whether or not payment is involved.
- Supporting documents shall be clearly marked 'VALID FOR Foreign Exchange (FOREX) / NOT VALID FOR FOREX' as appropriate i.e. depending on whether or not foreign exchange remittance would be involved.

- The validity period of Form 'M' for plants and machineries shall be for a period of one year.
- All applications for goods subject to Destination Inspection shall carry the "BA" code; while those on exemption shall indicate "CB" in the prefix of the numbering system of the Form 'M'. Exemption shall be as approved by the Honorable Minister of Finance prior to completion of Form 'M'. The Form 'M' and relevant pro-forma invoice shall carry a proper description of the goods to be imported to facilitate price verification viz:
  - Generic product name, i.e. product type, category
  - Mark or brand name of the product where applicable.
  - Model name and or model or reference number where applicable.
  - Description of the quality, grade, specification, capacity, size performance etc.
  - Quantity and packaging and or packing.
- Documents in respect of each import transaction shall carry the name of the product, country of origin, specifications, date of manufacture, batch or lot number, Standards to which the goods have been produced (e.g. Nigeria Industrial Standards-NIS, British Standards PD, ISO, IES, DIN, (etc)).
- Where import items such as food, drinks, cosmetics, drugs, medical devices, chemicals etc., are regulated for health or environmental reasons, they shall carry EXPIRY dates or the shelf life and specify the active ingredients, where applicable.

**C. Flowchart: Import Documentation Procedures**



**D. Duty**

The importer's bank issues a certified check to the Federal Government's Import Duty account for payment of the import tariff. This payment must be completed before the original IDR and other necessary shipping documents are released by the Nigerian Customs Service (NCS) to the importer who may now initiate the process of clearing his goods. This could be accomplished during transport time.

- In January 2006, Nigeria began a partial implementation of the ECOWAS Common External Tariff (CET). The GON reduced its tariff bands from twenty to five. The five tariff bands are a

zero duty on capital goods, machinery, and medicines such as anti-retroviral drugs and other medicines not produced in the country; 5% duty on imported raw materials; 10% duty on intermediate goods; 20% duty on finished goods; and 50% duty on goods in industries that the GON wants to protect.

- All HVP imports are assessed a 5 percent Value Added Tax, a port surcharge equivalent to 7 percent of the duty amount and a Customs inspection service charge equal to 1 percent of the duty amount. The GON frequently reviews its list of items prohibited for imports. Exporters to Nigeria should ascertain the import status of their products before shipment.

### **E. Method of Payment**

It is advised that confirmed, irrevocable letters of credit opened by Nigerian banks with correspondent banks in the United States be used to guarantee payment. U.S. exporters may wish to contact the Agricultural Affairs Office of USDA in Lagos for assistance in locating reputable representatives and/or importers for their products.

### **Appendix I. Government Regulatory Agency Contacts:**

#### **1. Dr. Paul B. Orhii**

Director General  
National Agency for Food and Drug  
Administration and Control (NAFDAC)  
Federal Ministry of Health  
Plot 2032, Olusegun Obasanjo Way  
Zone 7, Wuse District, Abuja, Nigeria  
Tel.: 234-9-5240996, 5240994  
Fax: 234-9-5240994  
E-mail: [nafdac@nafdac.gov.ng](mailto:nafdac@nafdac.gov.ng)  
Website: [www.nafdac.gov.ng](http://www.nafdac.gov.ng)

#### **2. Mrs. Hauwa J. Keri**

Director, Establishment Inspection Directorate  
National Agency for Food and Drug  
Administration and Control (NAFDAC)  
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Zone 7, Wuse District, Abuja, Nigeria  
Tel: +234 802 312 3432  
E-mail: [hkeri@yahoo.com](mailto:hkeri@yahoo.com); [keri.h@nafdac.gov.ng](mailto:keri.h@nafdac.gov.ng)  
Website: [www.nafdac.gov.ng](http://www.nafdac.gov.ng)

#### **3. Dr. Joseph Odumodu**

Director General/ Chief Executive  
Standards Organization of Nigeria  
Plot 13/14 Northern Business District  
Victoria Arobieke Street  
Lekki Peninsula Scheme 1 Lekki, Lagos  
Tel: 234-1-2708247, 2708230-5

E-mail: [info@sononline-ng.org](mailto:info@sononline-ng.org)

Website: <http://www.sononline.org>

#### **4. Agricultural Affairs Office**

USDA/Foreign Agricultural Service

U.S. Consulate General

2, Walter Carrington Crescent

Victoria Island, Lagos, Nigeria

Telephone: 234-1-460-3577, 460-3485

E-mail: [aglagos@usda.gov](mailto:aglagos@usda.gov)

Web site: <http://www.fas.usda.gov>

### **Appendix III: Specific Questions (Q) & Answers (A) on Wine Export Regulations to Nigeria**

**Q: When wine is sent to Nigeria how many samples are to be sent per varietal?**

I know it says 15 samples--that would be 15 bottles (750ml ea) of each varietal. That sounds like a lot and quite expensive.

**A:** Yes – the 15 bottles of each is so much. NAFDAC argues they want enough of each for the numerous laboratory tests. Importers who are comfortable with the number just

comply to get registered for exclusive distribution.

**Q: When a winery ships wine into Nigeria is it an exclusive with that importer? In other words is this importer the only one that can bring that Winery's wine into Nigeria once approved by NAFDAC?**

A: Yes. It is only the importer that can bring that Winery's wine varietal that NAFDAC had registered for that importer. Example—if NAFDAC registers a U.S. Winery's product wine 'A Super' for a Nigerian importer 'A Company Nigeria Ltd', no other importer can legitimately bring wine 'A Super' into the country except 'A Company Nigeria Limited'. However, 'B Company Nigeria Limited' can register with NAFDAC and import and distribute in Nigeria the same U.S. Winery's product, Wine 'X Super'. This implies that one U.S. Winery may decide to divide up its wine product varietals and share exclusivity among different Nigerian importers/importing firms.

**Q: Can you give me more information about the Global Listing for Supermarkets (GLS) which involves shipping your products in smaller quantities as part of mixed container to local importers requiring them. Evidently this is a much cheaper way to go.**

A: Prior to importation, the local importer contacts NAFDAC and simply applies to register product items he/she desires to be importing within any one of the four categories indicated in our FAIRS report. If for example, the importer applies within the minimum 'less than 500' product items category, he/she pays about \$2,350 registration per shipment. This importer can only buy within the listed 'less than 500' (499) product items. Again, this importer is only allowed to buy/ship a maximum 2,500 cartons or boxes of each of the listed product items per year. Calculation is cumulative until maximum is reached for the year.

This window is convenient, cheaper and flexible for supermarkets, other retail distributors/small wholesalers as well as institutional consumers. Registered product items are not exclusive to any one importer. Other importers are free to register a particular product item as many times as they desire provided each of the importers does not exceed 2,500 cartons of the item in one year.

Also, the products must not be anyone that is already registered by an importer under exclusivity and the products imported must not be banned items. The importer also is not permitted to advertise/promote the products.

**Q: Does GLS also require the same number of samples for testing?**

A: No. Samples are not required for registration under Global Listing. The items are only inspected at the ports or warehouses. Some samples may be taken out for the inspection.

**Q: It sounds like the fees incurred are per shipment rather than obtaining a license for 5 years as with the General requirements for NAFDAC as we mentioned above.**

A: Yes.

**Q: Again would this be an exclusive between the winery and the importer?  
Please clarify.**

A: No. The Winery is free to sell to any importer desiring to buy.