

Guidelines

1. 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;
2. The Form "M" shall have a validity period of six months for all imports except Plants and Machinery which shall have a validity period of one year. Requests for subsequent revalidation thereafter should be directed to the Director of Trade and Exchange Department at the Central Bank of Nigeria.
3. Supporting documents shall be clearly marked "**Valid For Forex/Not Valid for Forex**" as appropriate i.e. depending on whether or not foreign exchange remittance would be involved.
4. All applications for goods subject to Destination Inspection shall carry the "**BA**" code, while those exempted shall include "**CB**" in the prefix of the numbering system of the Form "M". Payments for goods exempted from Destination Inspection under the Scheme, would not be carried out in the Foreign Exchange Market, without a prior approval from the Central Bank of Nigeria. The list of goods exempted from Destination Inspection shall be as approved by the Honourable Minister of Finance and the approval shall be a pre-condition for the completion of Form M exempted from Destination Inspection.
5. The Form 'M' and the relevant pro-forma invoice (which shall have a validity period of three months) shall carry a proper description of the goods to be imported to facilitate price verification viz;
 - a. Generic product name, i.e. product type, category
 - b. Mark or brand name of the product where applicable
 - c. Model name and or model or reference number. where applicable
 - d. Description of the quality, grade, specification, capacity, size, performance etc.
 - e. Quantity and packaging and/or packing
6. Form 'M' shall be valid for importation only after acceptance by the relevant Scanning /Risk Management Provider. Consequently, Authorized Dealers are to confirm acceptance of the Form M before proceeding with other import processes.
7. 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. NIS, British Standards – PD. ISO, IES, DIN, etc).
8. **All goods to be imported into the country shall be labeled in ENGLISH in addition to any other language of transaction; otherwise the goods shall be confiscated.**
9. 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.
10. Electrical appliances (fluorescent lamps, electric bulbs, electric irons and ties, etc) shall carry information on life performance while cables shall carry information on the ratings.
11. All electronic equipment and instruments shall carry:
 - a. Instruction Manual;
 - b. Safety information and/or safety signs;
 - c. A guarantee/warranty of at least six months.
12. All computer hardware, software, operating and embedded system shall continue to be Year 2000 compliant
13. Any wrong or fraudulent misrepresentation of facts will result in delays and/or impoundment/seizures.
14. Importation of Blank products and/or without valid Form 'M' shall automatically qualify for seizure and destruction without warning, and subject to prosecution.
15. All imports into the country shall be accompanied by the following documents:
 - a. Combined Certificate of Value and Origin (CCVO), and contain the following details in addition to those on the pro-forma invoice:
 - Form "M" no.
 - Adequate description of goods
 - Port of destination (the actual port shall be specified e.g. Tin Can, Apapa, Kano, Onne, etc.)
 - Shipment identification, date of shipment, Country of Origin, Country of supply
 - b. Packing list
 - c. Shipped/ Clean on Board Bill of Lading/Airway bill/Way bill/Road Way bill
 - d. Manufacturer's Certificate of production which shall state standards and where it is not applicable,

- the Phytosanitary Certificate or Chemical Analysis Report should be made available.
- e. Laboratory test certificates for chemicals, foods, beverages, pharmaceuticals, electrical appliances and other regulated products, where applicable.
16. The following procedure shall be adopted for payments for:
 - a. Letters of credit transactions: where the transactions involve issuance of Certificate of Capital Importation (CCI) and or supplier's credit, all negotiating documents and or shipping documents (as may be applicable), must be routed from the Beneficiary/Supplier through his/her bank to the correspondence bank of the issuing bank and thereafter to the issuing bank. For the avoidance of doubt, on no account must banks endorse or pay on documents which do not comply with the routing outlined Above.
 - b. For Bills for Collection transactions and Unconfirmed Letters of Credit, documents must come to the issuing bank either directly from the supplier's bank or through the offshore correspondent of the issuing bank.
 - c. For Not Valid for foreign exchange transactions (which do not require foreign exchange transfer), the supplier should forward the documents directly to the bank that opened the Form "M". In addition, applicable returns on non-submission of shipping documents after 90 days in respect of such transactions must henceforth be rendered.
 - d. In the case of personal effects, the relevant documents should be forwarded to the appropriate Service Provider. However, where dutiable goods are found to be in excess of the approved passenger concession, they shall be liable to the clearance procedure applicable to commercial goods and accordingly all import documentation requirements must be complied with, failing which they shall be liable to seizure.
 17. For transactions with Post Landing charges, a retention fee of 5 – 15% of the project cost as agreed between the importer and the overseas supplier shall be indicated on both the Contract Agreement and the Pro-forma invoice which shall form part of the supporting documents for the registration of relevant Form M. In addition,
 - a. the stated fee shall not be remitted until a satisfactory evaluation of the project has been undertaken by the Industrial Inspectorate Department of the Federal Ministry of Industry
 - b. The Scanning Company shall forward to the Federal Ministry of Industry (Industrial Inspectorate Department) and the Central Bank of Nigeria , Trade and Exchange Department copies of the Contract Agreement and Pro-forma invoice of such projects for monitoring purposes.
 - c. During Destination Inspection, the Nigeria Customs Service shall take cognizance of the value of shipment and Post Landing charges as would have been indicated on the Risk Assessment Report (RAR)
 - d. The Industrial Inspectorate Department, Federal Ministry of Industry shall thereafter carry out an evaluation of the project and advise the Central Bank of Nigeria accordingly
 - e. On receipt of the report of the evaluation from the Federal Ministry of Industry (Industrial Inspectorate Department), the Central Bank of Nigeria shall advise the respective scanning company on the issuance of the RAR in respect of the retained value and the Authorized Dealer advised to remit same to the beneficiary

Import Procedures

1. Each completed Form 'M' shall be submitted to an Authorized Dealer bank with the following detailed information, in addition to A.1 (5) above:
 - a. Detailed description of the goods, including commercial name for each item, make, whether new, used or refurbished, and the standards adopted.
 - b. Quantities and/or their measurements
 - c. Unit Cost of goods
 - d. Total cost of goods
 - e. Freight cost
 - f. Mode of transportation (i.e. by Air/Sea/road)
 - g. Details of shipment; whether Full Container Load(FCL),Low Container Load (LCL),Bulk, Loose, etc
 - h. Other charges reflected on the Form 'M' (if any)
 - i. Country of Origin
 - j. Country of supply;
 - k. Pro forma Invoice with details of physical address and telephone and/or fax number of the supplier and e-mail (where available).
 - l. Other documents such as certificate of registration with NAFDAC, SONCAP Pharmaceutical Board of Nigeria, etc. and any additional documents that might be prescribed by relevant government agency.
2. All the copies of Form 'M' shall be legible, duly marked "**Valid**" or "**Not Valid**" for foreign exchange as the case may be; otherwise the application shall be rejected
3. Upon receipt of duly completed and signed copies of the Forms 'M' from the importer, the Authorized dealer bank shall:

- a. ensure that the Form 'M' is duly completed with detailed description of goods clearly stated;
- b. ensure that the entire relevant documents that are to accompany the completed Form 'M', are actually provided. It should be stated that the Authorized Dealer bank is expected to carry out proper Know – Your – Customer (K-Y-C) and be satisfied that all the relevant documents forwarded are genuine
- c. after (a) and (b) above, the bank shall make necessary endorsements on the Form 'M', retain the original copy and thereafter forward the remaining three copies to the relevant Scanning and Risk Service provider, who will distribute to the appropriate Customs Offices when satisfied with the submission.

SUBMISSION OF FORM M.

- a. Duly completed and approved Form M should be submitted to the Office of the respective Scanning and Risk Service Provider in Lagos not later than five working days after the date of approval
- b. Authorized Dealers are requested to confirm acceptance or rejection of the Form M before proceeding on further action on the transaction

Responsibilities of Scanning Companies

Upon receipt of the three copies of the Form 'M', pro-forma invoice and other necessary pre-import documents, the Scanning Companies shall:

1. Carry out a preliminary review on the application, using information provided therein and accept or reject the Form M within one working day.
2. If **"ACCEPTED"**, the SC shall distribute copies of the Form 'M' as follows:
 - a. One to be retained by them
 - b. Copy to the Customs Area Command (CAC), Port of clearance of goods
 - c. Customs Headquarters
3. The importer shall then procure the foreign exchange through his bank, if it is a Letter of Credit transaction and also advise the supplier to arrange for shipment of the goods.
4. If the Form "M" is "REJECTED", the affected SC shall return all the copies of the documents to the bank for necessary rectification.
5. The authorized dealer bank shall forward all the import documents to the Scanning Companies for the purpose of generating Risk Assessment Report (RAR).
6. The Scanning Company shall generate Risk Assessment Report (RAR) not latter than five (5) working days in the case of shipment by sea and two (2) working days in the case of shipment by Air/Land after receipt of Import Document and Form 'M' from Authorized Dealer Bank. Shall provide the Shipping Companies with relevant details from the accepted Form 'M'.
7. Shall provide the Shipping Companies with relevant details from the accepted Form 'M'.

Responsibilities of the Importer

1. It shall be the duty of the importer to ensure that the supplier makes available the pro-forma invoice in accordance with the imports procedure of the country. As a result, there must be no ambiguity in the description of the goods
2. The importer shall also ensure that all the documents to be forwarded to the Authorized Dealer Bank are genuine and verifiable
3. All the requirements listed under the imports procedure must be complied with before documents are forwarded to the Authorized Dealer Bank.
4. The importer shall also advise the Supplier on the status of the relevant Form M before shipment takes place.

Responsibilities of the Suppliers

On consignment of goods for shipment, the overseas supplier shall:

1. make available three sets each, of original Combined Certificate of Value and Origin (CCVO); Transport document (depending on the mode of transport) and Packing list to the relevant bank as indicated in 2 above.
2. forward only two sets of the documents in 5 above through his/her banker to the relevant overseas correspondent bank of the Nigerian Authorised Dealer Bank, for transactions valid for foreign exchange and those for which Certificate of Capital Importation would be issued or involving supplier's credit. The third copy should be forwarded to the Authorised Dealer Bank that opened the Form "M".
3. Similarly, in the case of Bills for collection and unconfirmed letters of credit, two sets should be forwarded either through the supplier's bank or the offshore correspondent of the issuing bank, to the issuing bank, while the third copy is forwarded directly to the Nigerian Authorised Dealer bank.
4. In the case of Not-valid for foreign exchange transactions, only two sets should be forwarded directly to the bank that opened the Form "M",
5. In the case of dutiable personal effects, two sets should be forwarded to the designated bank and if they are not (i.e. normal personal effects), the two sets should be forwarded to the appropriate Risk Management and Service provider.

Responsibilities of Authorized Dealers

These documents should be forwarded within 14 days after shipment.

1. Upon receipt of the third copy of the said documents, or copies received directly in the case of Not-valid for foreign exchange transactions or dutiable personal effect, Authorised Dealers should forward photocopies with a letter duly signed by authorized signatories of the bank to the Risk Management and Service Provider for issuance of Risk Assessment Report (RAR).
2. In addition, for transactions involving foreign exchange transfer, the assessed value on the Risk Assessment Report (RAR) shall be the amount payable. Where there is excess remittance, such must be repatriated within two weeks failing which appropriate sanction shall be imposed.
3. Enjoined to bring provisions of these guidelines to the attention of their customers (importers), correspondent banks, suppliers, etc for their compliance, and,
4. To be guided by the provisions of Memorandum 27(x) of the Foreign Exchange Manual on the need to refer policy issues in respect of which they are in doubt to the Director, Trade and Exchange Department for clarification.
5. Furthermore, Authorized Dealers, importers, suppliers, shipping lines, air carriers etc, are expected to ensure compliance with these guidelines as any breach and/or infraction shall attract appropriate sanction(s) in line with the provisions of the relevant guidelines, regulations and/or statutes.

Authorised Dealers must henceforth keep and retain evidence of receipt of documents as outlined above for Bank Examiners.

Responsibilities of Shipping Lines/Other Carriers

1. It shall be the responsibility of Shipping lines/ air carriers to ensure that all goods being consigned for shipment to Nigeria are covered by appropriate Form "M".
2. The Form M number MUST be reflected on the Bill of Lading or Airway Bill or road way bill for such goods.
3. An advance summary of the manifest of the cargoes must be made available to the Scanning Companies electronically within five working days after shipment for goods by sea and two working days by other modes of transport. This requirement shall be in addition to those forwarded to the Nigeria Customs Service.

Import Duty Payment

1. Importer shall continue to pay an administrative charge of 1% of FOB value of all imports based on the exchange rate on the approved Form M.
2. All imports shall continue to be assessed for duty at the C. I. F. value of the goods using the rate of exchange on the approved Form M
3. It shall be the duty of the importer's bank through which the Form M was processed to issue the customer a draft in respect of the amount assessed as duty. Import duty payment shall continue to be restricted to the bank that opened the Form "M" if it is a designated bank in line with existing regulations.
4. The issuance of bank draft by the customer's bank and the payment thereof into the designated bank shall be done and receipt issued by the designated bank before clearance of the goods.
5. The draft for import duty and other charges shall be paid to any of the designated bank and receipt issued with serial number of the SGD Form stated thereon before goods are cleared
6. The designated bank shall continue to transfer all payments of which effects have been cleared to CBN Head Office (Banking Office) in Lagos or the nearest CBN Office or Currency Centre for onward transfer to the CBN Head Office on every Monday.

Documentation Requirement for Import Payments under the DI Scheme

1. Confirmed letters of credit
Original copies of:
 1. Approved Form 'M'
 2. CCVO
 3. Manufacturer's Certificate with standards adopted stated thereon
 4. Clean/Shipped on Board Bill of Lading/Airway bill/ road Way bill
 5. Packing list
 6. Letter of credit instrument (tested)
2. Documents to be submitted after clearance of goods:
 1. Risk Assessment Report (RAR) with the Form 'M' no.
 - b. Single Goods Declaration (SGD) Form duly completed and signed by either the importer or his appointed Agent.
 - c. CCVO
 - d. Copy of the packing list
 - e. Import Duty Payment receipt with the SGD number clearly stated thereon
 - f. Copy of the attested Manufacturer's Certificate with Standards adopted stated thereon
 - g. Copy of the Carrier Certificate
 - h. Laboratory test certificate for chemicals, food, beverages, etc.
3. Bills for Collection Transactions
 - a. Approved Form 'M'
 - b. SGD Form

- c. CCVO
- d. Attested Manufacturer's Certificate;
- e. Shipped / Clean on Board Bill of Lading/Airways Bill/ road waybill,
- f. Certificate of Insurance
- g. Import duty Payment receipt with SGD No. stated thereon
- h. Bill history/bill of exchange
- i. Tally Sheet/Gate Pass
- j. Packing List

It should be noted that these documentation requirements for imports under Destination Inspection Scheme are part of the provisions of the Foreign Exchange Manual. Consequently, the relevant provisions on imports as they relate to the Comprehensive Import Supervision Scheme (CISS) are hereby amended by the provisions of this circular.

Furthermore, the provisions of the circular Ref. No. TED/AD/55/2004 of 7 th May, 2004 on importation of petroleum products shall continue to apply.

Clearance Procedures (ASYCUDA ++ sites)

The procedures outlined in this document may be subject to change as the project progresses. More features may be added or removed as infrastructures are improved upon.

1. Declarants
 - a. Complete the SGDs. The declarants may refer to their copies of the RAR (produced by the Scanning Companies and received through the banks) to prepare the SGD.
 - b. Fill a Payment Schedule (Form Sale 156) with all calculated duties and taxes to be paid on the SGD, and make the payment at the bank.
 - c. Attach all the necessary and supporting documents, i.e. final invoice and CCVO, pro-forma invoice, bill of lading, insurance certificate payment schedule, payment receipts, RAR, copy of "Form M" SONCAP (where necessary), ... etc.
 - d. Present the completed SGDs along with the attached documents to the designated Face Vet Officers.
2. Face Vet:
 - a. Check basic details of the SGDs. Check that required documents are attached.
 - b. Check and verify receipts of duty payment.
 - c. Return SGDs back to declarants for correction and/or completion of missing data and/or documents.
 - d. Refer the checked SGDs to the Technical Supervisor.
3. Technical Supervisor:
 - a. Streamline the flow of SGDs for control by Data Capture.
4. Data Capture:
 - a. Input the SGDs and the manifest details into ASYCUDA++ respective modules.
 - b. Register the declarations in ASYCUDA++.
 - c. Print the ASYCUDA++ declarations.
 - d. Refer the entries to Verification & Query Seat.
5. Verification & Query Seat/ ASYCUDA CPC:
 - a. Receives RAR messages from the Scanning Company (SC).
 - b. Checks details of the ASYCUDA++ SGDs against the attached documents, but with emphasis on the values and commodity codes of the goods.
 - c. Requests the assessment of the declarations, thus the ASYCUDA++ selectivity is triggered. Lanes of the declarations are automatically determined. If scanners are in place, then declarations are selected on Green, Blue, Yellow or Red lanes, otherwise declarations are routed to Green, Blue or Red lanes only.
 - d. Possibility of upgrading to the next level of examination based on the lanes selected by the system and risk-related information provided by the RAR messages.
 - e. Stamp the ASYCUDA++ SGD with the selected lane and the name of the inspector knowing that the ASYCUDA++ System assigns the inspectors for examination of the consignments automatically. The terminal copies of the manual SGD are stamped with the selected lane stamp, as well. The importer copy is to be delivered to the respective shipping line/ company.

If any discrepancy is found, then it shall be entered into the ASYCUDA++ Inspection Report, and the declaration is modified and returned to the declarant to sign and stamp. If a dispute continues to exist, then dispute settlement mechanisms are followed. These may include allowing the importer to clear his goods on bank indemnity, application for a tariff decision from the Tariff and Trade Department of NCS, an appeal to Hon. Minister of Finance, WCO or ultimately taking the dispute to a Court of competent jurisdiction. For Yellow Lane SGDs, Assessment Notices are printed so that declarants can pay additional duties and taxes at the bank (if necessary).

At this point, CPC has completed the verification process and some discrepancies may be found for Red Lane SGDs. But since other discrepancies can be discovered as a result of physical inspection of goods, and to

reduce the number of incidences of further payment at the bank, then all additional payments of Red Lane declarations can be made after the physical examination is carried out.

If on Green Lane:

Assess the declaration, and then the payment details can be input by the Accounts Officers at CPC. Print the Release Order if payment is confirmed (cleared by the bank), and attach to the SGD.

If on Yellow Lane:

Hold the documents until the payment of duties and taxes are confirmed (cleared by the bank). If so, a terminal copy of the SGD is stamped with the ALS (Authorization to Load for Scanning) stamp so that the declarant can start release procedures at NPA. The rest of the documents are referred to Sorting.

If on Red Lane:

The documents are referred to Sorting.

If on Fast Track:

Redlined entries are re-routed to blue, and the same Green Lane procedures will apply for these declarations. Later, the physical inspection will be carried out at the importers' premises. If, on the other hand, a fast track entry is selected on Yellow, then Yellow Lane procedures should apply.

6. Sorting:
 - a. The (8) copies of SGD are sorted according to the lane of the declaration.
 - If on Red Lane: Copies no. 1, 4, 5, and 7 go to terminals via Dispatch, copy no. 2 to valuation (statistics copy) for further analysis of the value, copy no. 3 to Accounts, copy no. 6 to the declarant through the Paging/ Importer Copy Seat, while copy no. 8 goes to the Central File.
 - If on Green or Blue Lane: No copies are dispatched to terminals for inspection.
 - If on Yellow Lane: The rest of the terminal copies, after excluding the ALS-stamped copy which was delivered to NPA, go to the Customs office at the scanning site.
7. Dispatch:
 - a. Record the numbers of the SGDs that are to be dispatched.
8. Terminals/ Scanning Site:
 - a. If on Green or Blue Lane: Consignments related to declarations marked on the Green or Blue Lane should start release procedures at once. No effort by the Customs staff at either the terminals or the scanning site is required for Green or Blue Lane declarations.
 - b. If on Red Lane:
 - Inspectors physically examine the goods marked for that purpose by the Verification & Query Seat. Inspection is carried out jointly with the representatives of the other concerned agencies, (as approved by Government), and in the presence of the declarants.
 - The findings of physical inspection are entered in the "Inspection Report" of the ASYCUDA++ by the Assessment Officers at the terminals, and then re-routed to Green Lane and assessed.
 - Following the exchange of messages with the Accounts Officers at CPC, where the payment details are input into ASYCUDA++, Release Orders can be printed by the Assessment Officer at the terminal, and attached to declarations.
 - The Officer in Charge of the terminal issues Demand Notice/ Assessment Notice of any additional payment that is to be made if any discrepancy is found as a result of physical examination.
 - c. If on Yellow Lane:
 - Containers which were selected on Yellow Lane can be loaded on trucks in accordance with NPA procedures, and then head to the scanning site.
 - The findings of scanning are entered in the "Inspection Report" of the ASYCUDA++ by the Assessment Officers at the scanning site, and then re-routed to Green Lane and assessed.
 - Input payment details into ASYCUDA++ by the Accounts Officer at the scanning site.
 - The Officer in Charge of the Customs Office at the scanning site issues Demand Notice/ Assessment Notice of any additional payment that is to be made if any discrepancy is found as a result of physical examination or scanning. However, for containers that are returned back to terminals because of the limited space of the holding area, then the Red Lane procedures will apply on these cases as far as inputting the payment details into ASYCUDA++ at CPC, and the printing of the Release Order at the terminal. Also, the additional charges of NPA have to be settled before release procedures are continued.
 - Release Orders are printed, and attached to declarations.
9. Gate:
 - a. Issue the Exit Gate to allow the containers to leave the port.

Clearance Procedures (ASYCUDA V.2.7 Sites)

The same procedures as in the ASYCUDA++ Sites shall be applied at all ASYCUDA V. 2.7 Sites, except for the following slight differences:

1. The Risk Assessment Reports (RARs) will not be transmitted electronically; hardcopies of the RARs,

nevertheless, will be received by the Verification & Query Seat.

2. No selectivity can be triggered in ASYCUDA Ver. 2.7, thus lanes will be determined at the Verification & Query Seat based on the levels of risk advised by the Scanning Company in the RARs.
3. Since most of the ASYCUDA Ver. 2.7 Sites will not have scanners in place at the beginning, then the declaration may be routed to Red and Green Lanes only.
4. All physical inspection/ scanning findings will be recorded manually since ASYCUDA Ver. 2.7 does not have the "Inspection Report" facility as in ASYCUDA++.