



Introduction of E-Evaluator, E-Invoicing for Import and Export in Nigeria



On January 21, 2022, the CBN released a circular Ref. No. TED/FEM/FPC/PUB/01/001 titled Guidelines on the Introduction of E-Evaluator, E-Invoicing for Import and Export in Nigeria (the “Guidelines”). The Guidelines provide new mechanism for evaluating invoices as part of documentation required for all import and export transactions to achieve accurate value for import and export items.



The key provisions of the Guidelines are as follows:

- a. Introduction of e-Valuator and e-Invoice which replaces the hard copy final invoice documentation required for all import and export transactions. All import and export transactions will require the submission of an e-Invoice authenticated by Authorised Dealer Banks in the Nigerian Single Window Portal – Trade Monitoring System (TRMS).
- b. The adoption of e-Invoice will take effect from February 2022. The invoice will be authenticated by an authorized dealer bank on the TRMS.
- c. Contracts with suppliers/buyers shall stipulate compliance with the obligations under the Guidelines (i.e., the use of e-Invoice and authentication of same on the TRMS, as well as pricing not to be more than 2.5% of the verified global checkmate prices); and the suppliers/buyers shall be advised that the authenticated e-Invoice shall be required for payments.
- d. The system will operate on a Global Price Verification Mechanism which is guided by a benchmark price which is the actual spot market price obtainable at the time of consummation of invoicing, in the market where the goods are traded.
- e. Import and export transactions with unit prices that are more than 2.5% from

verified global checkmate prices will not be eligible for successful completion of either form M or Form NXP (as the case may be).

- f. An importer/exporter cannot effect payment to the credit of any foreign supplier unless the e-Invoice has been authenticated by an Authorised Dealer Bank. The content of the authenticated e-Invoice is only advisory to the Nigerian Customs Service (NCS).
- g. A supplier/buyer of goods or services for import/export is required to register on a dedicated electronic portal provided by CBN's appointed service providers. Following satisfactory authentication, the appointed service provider shall deliver a verification report and digital certificate to the supplier/buyer which is valid for one year from the date of issuance. The digital certificate shall be used for signing any e-Invoice to be submitted for payment.
- h. The service provider shall deliver the authenticated e-Invoices to the supplier/buyer for transmission to the buyer and negotiation of payment. An annual authentication fee of \$350 is charged per authentication of suppliers on the system.

The following import and export transactions are exempted from submission of e-Invoices:

- i. All Individual invoices with a value of less than USD10,000 (or its equivalent in another currency), except where suppliers have an annual cumulative invoicing value equal to or above \$500,000 (or its equivalent in another currency).
- ii. Import and export transactions made by all security agencies in the country.
- iii. Supplies to diplomatic and consular missions and supplies to international agencies dependent on the United Nations.
- iv. Donations made by foreign governments or international organisations to foundations, charities, and recognised humanitarian agencies.
- v. Goods directly supplied by a foreign government.

Bank Customers' Bill of Rights

The CBN on 27 January 2022 released the Bank Customers' Bill of Rights to apprise customers of their rights and duties guaranteed by law, regulations, and conventions. These rights are:

- a. Right to be informed of the products and services which the bank offers.

- b. Right to select from a range of products and services offered by the bank at competitive prices.
- c. Right to safety of a safe, secure, and conducive banking environment devoid of threats to the health and safety of the consumers.
- d. Right of privacy and confidentiality of a customer's banking information. This right is however, restricted where the bank is required by law to make the disclosure and where the customer consents to the disclosure.
- e. Right to a redress mechanism to express grievances. The mechanism must be accessible, transparent, timely, and convenient.
- f. Right to good customer service.
- g. Right to be treated equally as other customers regardless of their individual financial standing, deposit balance, age, gender, and other differences. However, banks may decide to differentiate customers on account of the nature of products the customer purchases or subscribes to.
- h. Right to free monthly statement of account.



The duties of a banker customers are:

- i. Duty to acquire relevant knowledge to make informed decisions.
- ii. Duty of financial obligation: This is the duty of the customers to repay credit facilities and pay mutually agreed interest on loans and other financial services rendered by their banks as and when due.
- iii. Duty to protect instruments and information: The customer has a duty to keep cheque book, ATM and all information relating to the customer's account like PIN, passwords, and codes safe.
- iv. Duty to report suspected fraud or error.
- v. Duty to provide factual information and not to mislead the bank.
- vi. Duty of personal safety and safety of assets while on the bank's premises.

The CBN noted that while these rights and duties are not exhaustive, they represent the core rights and duties of customers to which they can lay claims.

Global Standing Instructions (GSI) for Individuals

As part of the regulatory strides to reduce the vast Non-Performing Loans (NPLs) in the Nigerian banking system, the Central Bank of Nigeria (CBN) on 13 July 2020, published the Operational Guidelines on Global Standing Instruction for Individuals (2020 Guidelines). This was conceived in order to identify and watch-list recalcitrant loan defaulters, enhance loan recovery, improve credit repayment culture and reduce NPLs in the Nigerian banking system. The 2020 Guidelines create a platform for a creditor bank to recover the outstanding loan obligations of a borrower by directly setting-off the borrower's deposits/investments in an account in any CBN-licensed financial institution that is connected to the Nigerian Inter-Bank Settling System (NIBSS)'s Instant Payment Platform.

Further to the 2020 Guidelines, the CBN On 28 January 2022 released a Circular Ref. No. FPR/DIR/PUB/CIR/001/039, to the effect that the frequency of recovery attempts via the GSI platform shall remain perpetually in place throughout the life of the loan and/or until the loan is fully repaid.