

Extraordinary



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EXECUTIVE ORDER NO. 001 OF 2017

BY THE ACTING PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA
ON THE PROMOTION OF TRANSPARENCY AND EFFICIENCY IN THE
BUSINESS ENVIRONMENT

[18th Day of May, 2017] Commence-
ment.

WHEREAS, it is the policy of the Federal Government of Nigeria (FGN) to create an enabling environment for businesses and entrench measures and strategies aimed at promoting transparency and efficiency ;

WHEREAS, the Federal Government of Nigeria is committed to the promotion of domestic and foreign investments, creation of employment and stimulation of the national economy ; and

WHEREAS, His Excellency, Muhammadu Buhari, GCFR, the President, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria constituted the Presidential Enabling Business Environment Council to co-ordinate the implementation of this policy ;

NOW THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AS THE ACTING PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA, I HEREBY ORDER AS FOLLOWS :

Transparency in Ministry, Department and Agencies

1. Every Ministry, Department and Agency (MDA) of the Federal Government of Nigeria shall publish a complete list of all requirements or conditions for obtaining products and services within the MDA's scope of responsibility, including permits, licenses, waivers, tax related processes, filings and approvals. The list shall—

(a) Include all fees and timelines required for the processing of applications for the products and services; and

(b) be conspicuously pasted on the premises of the relevant MDA and published on its website within 21 days from the date of issuance of this Order.

2. It shall be the responsibility of the head of the relevant MDA to ensure that the list is verified and kept up-to-date at all times. If there is any conflict between a published and an unpublished list of requirements, the published list shall prevail.

Default Approvals

3. Where the relevant agency or official fails to communicate approval or rejection of an application within the time stipulated in the published list, all

applications for business registrations, certification, waivers, licenses or permits not concluded within the stipulated timeline shall be deemed approved and granted.

4. The mode of communication of official decisions to applicants shall be stated in the published requirements.

5. Where applications are rejected within the stipulated timeline, all rejections shall be given with reasons. Rejections of applications shall be tracked and accurate records kept at all times for each MDA and shall be submitted to the head of the MDA on a weekly basis.

6. There shall be at least two (2) modes of communication of acceptance or rejection of applications to the applicants by the relevant MDAs before the expiration of the stipulated time, including letters, e-mails and publications on MDA websites.

7. The applicant's acknowledgement copy of the application, including electronic submission acknowledgements, shall serve as proof of the date of submission of the application for purposes of determination of the commencement of the application timeline.

8. An Applicant whose application is deemed granted under this Directive may apply to the Minister for the time being in charge of the application for the issuance of any document or certificate in evidence of the grant within 14 days of lapse of the MDA's stipulated timeline for the application.

9. Failure of the appropriate officer to act on any application within the timeline stipulated, without lawful excuse, shall amount to misconduct and be subject to appropriate disciplinary proceedings in accordance with the law and regulations applicable to the civil or public service.

One Government Directive

10. An MDA that requires input documentation, requirements or conditions from another MDA in order to deliver products and services on applications within the originating MDA's remit or mandate, including permits, licenses, waivers, tax documentation, filings and approvals shall only request a photocopy or other *prima facie* proof from the applicant. It shall be the responsibility of the originating MDA to seek verification or certification directly from the issuing MDA.

11. Service Level Agreements shall be binding on MDAs and shall be relied upon by MDAs in the issuance of published stipulated timelines for processing of applications for the products and services.

12. It shall be the responsibility of the head of the relevant MDA to ensure that the agreed terms of the Service Level Agreements are adhered to.

13. Failure of the appropriate officer to act within the timeline stipulated in the Service Level Agreement, without lawful excuse, shall amount to misconduct and be subject to appropriate disciplinary proceedings in accordance with the law and regulations applicable to the civil or public service.

Entry Experience of Visitors and Travellers

14. Ordinary tourist and business entry visas to Nigeria shall henceforth be issued or rejected with reason by the Consular Office of Nigerian Embassies and High Commission within 48 hours of receipt of valid application. The timeline shall be notified to the public by pasting a notice conspicuously at every Consular Office and by publication on every website of Nigerian Embassies and High Commissions.

15. A comprehensive and up-to-date list of requirements, conditions and procedures for obtaining visa on arrival, including estimated timeframe, shall be published on all immigration-related websites in Nigeria and abroad, including Embassies and High Commissions, and all ports of entry into Nigeria.

16. The processing of issuance of visas on arrival shall be carried out in a transparent manner. Visas on arrival shall be granted at all Nigerian ports of entry once applicants have met all the published requirements.

Port Operations

17. There shall be no touting whatsoever by official or unofficial persons at any port in Nigeria. On duty staff shall be properly identified by uniform and official cards. Off duty staff shall stay away from the ports except with the express approval of the agency head. The FAAN, Aviation Security (AVSEC) and Nigeria Ports Authority (NPA) Security shall enforce this order.

18. All non-official staff shall be removed from the secured areas of airports. No official of FAAN, Immigration, Security Agency or Ministry of Foreign Affairs (MoFA) or any other agency is to meet any non-designated dignitary at any secure areas of the airport. The official approved list of dignitaries that have been pre-approved to be received by protocol officers shall be made available to AVSEC and other relevant agencies ahead of their arrival at the airport.

19. Any official caught soliciting or receiving bribes from passengers or other port users shall be subject to immediate removal from post and disciplinary as well as criminal proceedings in line with extant laws and regulations.

20. All relevant MDAs at the airports shall within 30 days of the issuance of this Order merge their respective departure and arrival interfaces into a single customer interface, without prejudice to necessary backend procedures.

21. All agencies currently physically present in Nigerian Ports shall within 60 days harmonise their operations into one single interface station domiciled in one location in the port and implemented by a single joint task force at all times, without prejudice to necessary backend procedures.

22. The new single interface station at each Port shall capture, track and record information on all goods arriving and departing from Nigeria and remit captured information to the head of the MDA and the head of the National Bureau of Statistics on a weekly basis.

23. Each Port in Nigeria shall assign an existing export terminal to be dedicated to the exportation of agriculture produce within 30 days of the issuance of this Order.

24. The Apapa Port shall resume 24-hour operations within 30 days of the issuance of this Order.

Registration of Businesses

25. The Registrar-General of the Corporate Affairs Commission (CAC) shall within 14 days of the issuance of this Order ensure that all registration processes at the CAC are fully automated through the CAC website from the start of an application process to completion, including ensuring the availability of an online payment platform where necessary.

Effective Date of the Order

26. This Executive Order shall take effect immediately.

DATED this 18th day of May, 2017.

PROF. YEMI OSINBAJO, SAN, GCON
*Acting President of the
Federal Republic of Nigeria*