



NIGERIAN ELECTRICITY REGULATORY COMMISSION

GUIDELINES FOR OBTAINING CLEARANCE CERTIFICATE FOR THE IMPORTATION OF GENERATING SETS AND RELATED MATTERS

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In exercise of the powers conferred under Sections 32 (1) (e), 96 (1) and 96 (2) (q) of the Electric Power Sector Reform Act, 2005 (Act no. 6 of 2005), the Nigerian Electricity Regulatory Commission hereby make the following guidelines for obtaining Import Clearance Certificate for generating sets and knocked down parts.

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CHAPTER I GENERAL

1. Definitions and Interpretation:

(1) In these Guidelines, unless the context otherwise requires:

“Act” means the Electric Power Sector Reform Act, 2005

“Applicant” means a person who has applied to the Commission for Generating Set Import Clearance Certificate.

“Certificate” means Clearance Certificate

“Commission” means the Nigerian Electricity Regulatory Commission.

“Fees” means fees mentioned in Schedule II hereto

“Guidelines” means the Nigerian Electricity Regulatory Commission Guidelines for obtaining Generating Set Import Clearance Certificate.

“Person” includes an individual, company, partnership, or any association of individuals whether incorporated or not.

CHAPTER II

2. Scope

The provisions of these guidelines shall cover all importations into the Federal Republic of Nigeria of fully assembled generating sets and knocked-down parts imported for domestic assembling of electric generating sets or for retail as spares.

Chapter III

APPLICATION FOR GENERATING SET IMPORT CLEARANCE CERTIFICATE

3. Mode of Application

(a) An Application for Clearance Certificate shall be made in writing in the specified manner and addressed to the Commission and delivered by hand or sent by regular mail or courier to the Commission at its headquarters.

(b) The Application shall be signed and dated by the applicant or his authorized representative.

4. Form of Application

An Application shall be in the form specified in Schedule I of these Guidelines and shall contain the information specified therein. The Application form shall be obtained from the office of the Commission or downloaded from the Commission's website.

5. Application Fees

- (1) Every application for Clearance Certificate made to the Commission shall be accompanied by the appropriate Application Fees as specified in Schedule II.
- (2) The prescribed fees shall be paid by means of bank draft drawn in favour of the "Nigerian Electricity Regulatory Commission"
- (3) All fees paid to the Commission under these Guidelines shall be receipted with the Commission's official receipt.
- (4) Application fees paid shall be non-refundable.
- (5) Fees payable under these Guidelines shall be subject to review from time to time as the Commission may deem fit.

6. Term of a Clearance Certificate

- (1) The Clearance Certificate issued under these Guidelines shall be in the form specified in Schedule III hereto
- (2) A certificate issued by the Commission under these Guidelines shall be for a period of six (6) months only from the date of issue, provided that where a certificate is not utilized for the purpose stated therein within the specified period, such certificate shall lapse.
- (3) A certificate that has lapsed may be renewed for a further period of six (6) months and no more subject to the payment of renewal fees as specified in Schedule II.
- (4) The Commission may approve the extension of the lifespan of a certificate upon such terms and conditions as it may deem fit in the circumstances.

- (5) A certificate issued by the Commission shall be for the purpose of importation of the generating sets and or knocked down parts listed therein and none other whatsoever.
- (6) Application for renewal of a certificate which has lapsed shall be within 30 days of the expiration of the initial certificate.
- (7) A certificate may be issued for the importation of generating sets or knocked down parts which comply with the relevant provisions on noise level of 35dB (A) (leg) as specified under the National Environmental (Noise Standards and Control) Regulations, 2009 issued by the National Environmental Standards and Regulations Enforcement Agency (NESREA), and as amended from time to time.
- (8) Every imported and locally assembled generator shall be fitted with optimizers to reduce environmental pollution arising from incomplete combustion.

CHAPTER IV

MISCELLANEOUS

7. Annual Report

- (1) An importer of generating sets and or knocked down parts shall submit annual report of generating sets or knocked down parts imported by him in the last twelve (12) months as well as the sales in accordance with the details and format specified in Schedule IV and Schedule V.
- (2) These reports shall be submitted before the end of first quarter of the following year.
- (3) Non-submission of the annual report shall be a ground for refusal to grant a certificate under these Guidelines.

8. Amendment

- (1) The Commission may from time to time amend or repeal the provisions of these Guidelines and the Schedules thereto as it may determine.

9. Inherent Powers of the Commission

Nothing in these Guidelines shall prohibit the Commission from adopting in conformity with the provisions of the Act, any procedure which is at variance with any of the provisions of herein, provided that the Commission is of the opinion that in the special circumstances of the matter and for reasons to be recorded in writing, it deems it just or expedient that such procedure is proper for dealing with the matter.

GIVEN this day of..... 2011 under the seal of the Commission pursuant to section 32 (2) of the Electric Power Sector Reform Act, 2005.

Dr. Sam Amadi
Chairman/CEO

NIGERIAN ELECTRICITY REGULATORY COMMISSION**Adamawa Plaza**

Plot 1099, First Avenue, Off Shehu Shagari Way, CBD, P.M.B 136, Garki – Abuja

Website: www.nercng.org**APPLICATION FORM FOR GENERATING SET IMPORT CLEARANCE CERTIFICATE****SECTION A**

1.	Name of Applicant	
2.	Quantity to be imported	
3.	Noise Level (Not more than 35Db)	
4.	Pollution Control (Indicate type of optimizer fitted)	
5.	Make of Generators	
6.	Technical and Environmental Ratings	
7.	Purpose of Importation	
8.	Country of Origin	
9.	Capacity of the Generator(s)	

.....
Name, Signature of Applicant's Representative/date

SECTION B**An Application shall be accompanied with:**

- a. Copy of Certificate of Incorporation
- b. Tax Clearance Certificate for the latest three years
- c. VAT Registration Certificate
- d. Commercial Invoice/Proforma Invoice
- e. Standards Organization of Nigeria Conformity Assessment Programme (SONCAP)
- f. Proof of Conformity with Extant Environmental Regulations (emissions, noise etc)

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GENERATING SETS IMPORT CLEARANCE SCHEDULE OF FEES

Size of Generator (KVA)	Fees Payable (N)
0.45 – 2.5	150.00 Per Unit
>2.5 – 5	250.00 Per Unit
>5 - 25	1000.00 Per Unit
>25 – 100	3,500.00 Per Unit
>100	25,000.00 Per Unit
Renewal of Clearance Certificate	10% of fee paid on the initial Certificate

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Website: www.nercng.org**CLEARANCE CERTIFICATE FOR IMPORTATION OF
GENERATING SETS/KNOCKED DOWN PARTS**

THIS IS TO CERTIFY THAT IMPORT CLEARANCE HAS BEEN APPROVED FOR THE UNDERMENTIONED IMPORTER ACCORDING TO THE FOLLOWING PARTICULARS:

1. **IMPORTER:**
2. **OFFICE ADDRESS:**
3. **DESCRIPTION OF GENERATING SETS/ KNOCKED DOWN PARTS:**
QUANTITY:
MAKE:
FUEL TYPE:
CAPACITY:
INVOICE NO:
F.O.B CHARGE:
4. **EXPIRY DATE:**

This clearance certificate shall be valid for SIX MONTHS from date of issue.

Dated this day of 2011

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Commissioner (LL&E)

.....
Commissioner (ES&S)

CAUTION: This Clearance Certificate is void if there is any alteration on it or any information supplied is false or cannot be verified.

(NAME AND ADDRESS OF IMPORTER)

Generator/ Knocked down part Annual Sales Statistic

S/N	Capacity	Number Sold	Remarks
	0.45 – 5		
	>5 - 25		
	>25 – 100		
	>100		

(NAME AND ADDRESS OF IMPORTER)

Particulars of Purchasers of Generating Sets of >1MW

S/N	NAME & ADDRESS OF PURCHASER	QUANTITY	CAPACITY(MW)	TOTAL CAPACITY	REMARKS