ANNEX 6 – NIGER

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1 ECONOMIC ENVIRONMENT

1.1 Main features

1.1. Niger is a huge West African country, three-quarters desert and with no direct access to the sea. Over the last thirty years it has experienced population growth of nearly 4% per year, one of the fastest rates in the world, surging from 7 million inhabitants in 1985 to almost 19 million. At this rate, its population could reach 41 million by 2035. This situation reflects the fact that the country is in a phase of demographic transition characterized by an increase in the fertility rate and a decrease in mortality thanks to major health progress.[1]

1.2. Despite its relative lack of resources, Niger has managed to double its agri-food production since 2000, thanks to better irrigation. This is essential because, apart from being one of the top five uranium producers in the world and, recently, a modest gold and oil producer, Niger is predominantly a pastoral and agricultural country (Table 1.1). Drought and locust invasions continue to cause serious and recurrent problems. Most of the population live in rural areas and engage in subsistence farming – mainly millet, sorghum, rice and groundnut cropping, and livestock activities.

Table 1.1 Macroeconomic indicators, 2009, 2010 and 2013-2016

	2009	2010	2013	2014	2015	2016
Miscellaneous						
GDP at market prices (€ million)[a]	3,885	4,318	5,775	6,215	6,466	6,821
Real GDP growth rate (%)	-0.7	8.4	5.3	7.0	3.5	4.6
Nominal GDP per capita (€)	248	265	315	325	325	343
Population (million)	15.7	16.3	18.4	19.1	19.9	19.9
In rural areas (% of total population)	82.6	82.4	81.8	81.5	81.3	83.8
Inflation (CPI, variation %)	0.6	0.8	2.3	-0.9	1.0	0.2
Interest rate, deposits, annual %	5.4	5.5	5.9	5.8	6.2	n.a.
Interest rate, loans, annual %	12.0	9.9	9.0	10.2	9.1	n.a.
GDP by type of expenditure, at constant 2006 prices (% change)						
GDP	-0.7	8.4	5.3	7.0	3.5	4.6
Final consumption expenditure	6.6	2.9	4.1	7.4	8.1	4.1
Private	5.8	5.2	4.1	4.6	7.0	3.4
Public	10.6	-7.5	4.6	21.7	12.8	5.3
Gross fixed capital formation	9.6	17.1	6.7	11.6	5.2	-20.4
Private	8.1	28.6	2.3	14.8	5.0	-15.5
Public	14.7	-19.2	17.2	5.0	5.7	-31.4
Net exports	47.5	4.4	1.0	17.4	27.2	-37.3
Exports of goods and services	18.0	19.7	8.9	-0.9	-13.0	4.0
Imports of goods and services	32.2	11.5	5.7	6.2	4.3	-17.7
GDP by type of expenditure, at current prices (% of GDP)						
Final consumption expenditure	91.8	86.9	80.3	80.4	84.2	85.2
Private	75.6	73.3	67.2	65.5	67.9	65.6
Public	16.2	13.6	13.1	15.0	16.3	19.6
Gross fixed capital formation	34.7	38.9	36.0	37.7	38.3	29.1
Private	27.1	33.1	24.6	26.6	27.0	21.7
Public	7.6	5.8	11.4	11.1	11.3	7.4
Net exports	-26.5	-26.9	-16.4	-18.2	-22.6	-14.3
Exports of goods and services	20.3	22.2	22.6	21.0	17.6	17.1
Imports of goods and services	-46.9	-49.1	-39.1	-39.2	-40.2	-31.5
GDP by economic activity, at constant prices (% change)						
Agriculture, livestock, forestry and fishing	-9.5	15.8	-0.5	9.0	1.4	7.1
Agriculture	-17.6	27.1	-3.0	11.9	1.2	8.9
Livestock and hunting	4.4	-4.6	4.1	3.2	4.2	3.8
Forestry and logging	3.3	3.4	1.7	2.9	2.3	2.3
Fishing, fish farming, aquaculture	19.4	19.4	9.2	6.9	-10.0	3.3
Mining and quarrying	39.5	17.2	12.3	-5.5	-6.9	7.5
Manufacturing	4.4	3.3	16.5	-1.6	0.3	4.8
Production and distribution of electricity, gas and water	8.4	9.7	8.8	6.3	-5.3	7.0
Construction	7.9	9.5	6.2	5.8	6.6	6.3
Services	5.5	1.3	6.7	8.6	5.8	4.4
Commerce, automobile and motorcycle repair	5.9	1.4	4.6	3.0	4.3	4.5
Transport and storage	3.9	-1.0	4.7	3.7	3.7	4.2
Hotel and restaurant activities	4.7	2.7	4.7	4.3	4.3	6.0
Communications	8.0	19.7	20.4	11.5	5.0	8.0

[1] Ministry of the Economy and Finance and National Institute of Statistics (2016), *Projections démographiques 2012-2035*, March 2016.

	2009	2010	2013	2014	2015	2016
Financial and insurance activities	20.9	5.1	3.5	6.2	8.9	n.a.
Real estate activities and business services	-23.8	1.2	1.9	4.5	7.4	n.a.
Public administration	8.2	-3.3	12.2	22.8	7.1	n.a.
Distribution of GDP at current basic prices (% GDP)						
Agriculture, livestock, forestry and fishing	42.3	44.1	38.4	39.2	39.3	39.8
Agriculture	24.7	28.1	24.4	25.6	25.6	26.4
Livestock and hunting	12.9	11.2	9.9	9.6	9.8	9.7
Forestry and logging	2.7	2.5	2.1	2.0	2.1	2
Fishing, fish farming, aquaculture	2.0	2.3	2.0	2.0	1.8	1.7
Mining and quarrying	6.9	7.8	11.6	10.0	8.4	8.3
Manufacturing	5.4	5.1	7.1	6.8	6.6	6.3
Production and distribution of electricity, gas and water	1.2	1.2	1.3	1.4	1.3	1.3
Construction	2.7	2.7	3.1	3.3	3.4	3.5
Services	41.5	38.9	38.3	39.4	41.0	40.7
Commerce, automobile and motorcycle repair	14.8	14.0	12.8	12.5	12.9	12.8
Transport and storage	4.9	4.5	4.1	4.0	4.1	4
Hotels and restaurants	1.4	1.4	1.2	1.2	1.2	1.2
Communications	1.7	2.1	2.6	2.8	2.9	3
Financial and insurance activities	1.3	1.3	1.3	1.3	1.4	n.a.
Real estate activities and business services	3.3	3.1	3.1	3.0	3.2	n.a.
Public administration	9.5	8.2	9.4	11.0	11.6	n.a.
Activities, other services	4.5	4.3	3.7	3.6	3.7	n.a.
Public finance (% of GDP)						
Total income incl. grants	19.2	18.2	24.6	22.9	23.6	19.9
Total income, of which:	14.3	13.6	16.6	17.5	18.1	14.4
Tax revenue	13.5	12.8	15.2	15.5	16.1	13.6
Non-tax income	0.7	0.7	1.2	1.9	1.8	0.6
Grants	5.0	4.6	8.0	5.4	5.5	5.5
Total expenditure and net loans, of which:	24.9	20.6	27.2	31.0	32.3	25.3
Current expenditure	10.6	11.8	13.1	14.2	15.0	13.6
Capital expenditure	13.1	7.7	13.7	16.4	16.7	11.2
Overall balance excl. grants	-10.6	-7.0	-10.6	-13.5	-14.2	-11
Overall balance	-5.6	-2.4	-2.6	-8.1	-8.7	-5.5
External public debt (start of period)	15.5	16.8	14.9	16.7	17.8	n.a.
External sector						
CFAF per US$ (annual average)	472.2	495.3	471.9	510.5	494.0	591.4
FDI inflow (€ million)	569.2	710.0	541.6	619.5	473.4	242.1
Percentage of GDP	14.7	16.4	9.4	10.0	7.3	3.5
Inward FDI stock (€ million)	1 011	1 700	3 789	3 905	4 654	4 908
Percentage of GDP	26.0	39.4	65.6	62.8	72.0	72.0

a The CFA franc, which is the common currency of the WAEMU countries, is pegged to the euro at a rate of: € 1 = CFAF 655.97.

n.a. Not available.

Source: Central Bank of West African States (BCEAO), *Annuaire statistique 2015*; BCEAO, database, viewed at: http://www.bceao.int/Bases-de-donnes.html; National Institute of Statistics, National Accounts, 2012, 2013, 2014 and 2015; IMF, *International Financial Statistics*, viewed at: http://elibrary-data.imf.org/; IMF, *Regional Economic Outlook, Sub-Saharan Africa*, October 2014 and 2016; World Bank, *World Development Indicators*, viewed at: http://databank.worldbank.org/data/reports.aspx?source=World%20Development%20Indicators; and UNCTADstat, viewed at: http://unctadstat.unctad.org/FR/Index.html. All databases consulted in June 2017.

1.3. Niger remains a least developed country (LDC); in March 2017 it was ranked 187th among 188 countries on the Human Development Index published by the United Nations Development Programme (UNDP)[2]; and it has a very low per capita GDP (Table 1.1). Food insecurity is a permanent problem, aggravated in recent years by political conflicts and terrorism in the region. These have triggered large refugee flows, including into Niger, requiring additional public expenditure to deal with them and seriously undermining trade in the regions concerned.

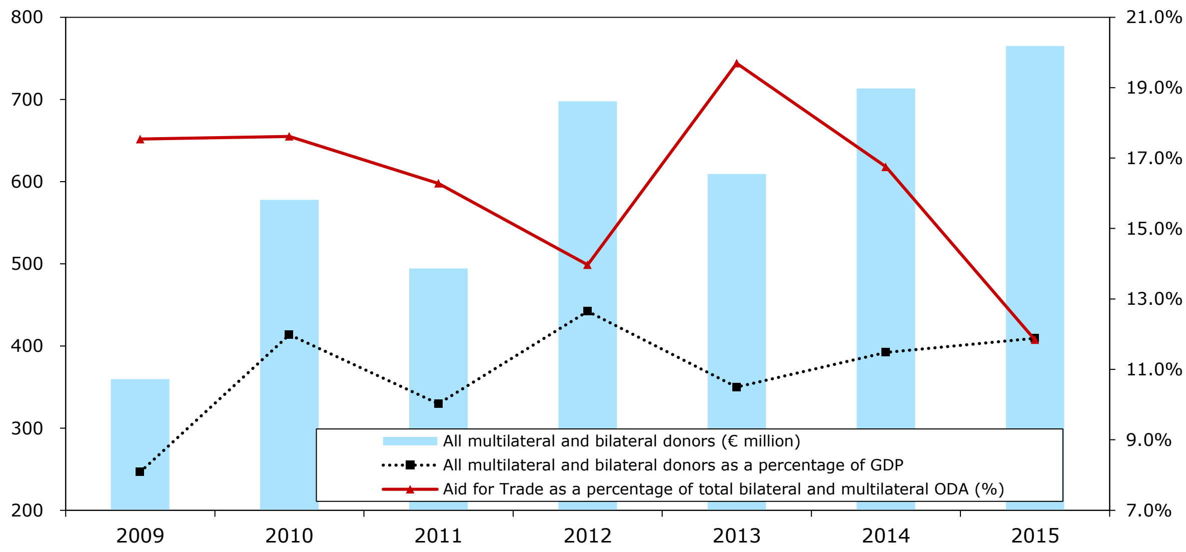
1.4. As a result, Niger has remained heavily reliant on official development assistance (ODA) from abroad, which financed about 75% of its public investment in 2009-2015. This accounted for 18% of total annual government expenditure and made Niger one of the main ODA beneficiaries in sub-Saharan Africa. This aid has grown not only in value (€760 million in 2015) but also as a percentage of GDP (Chart 1.1). ODA in Niger is primarily channelled into the social sectors; in rural

[2] Online information from UNDP, viewed at: http://hdr.undp.org/fr/content/indice-de-d%C3%A9veloppement-humain-idh.

areas, over half of the population still lives below the poverty line, and the average level of schooling is barely 1.4 years, which represents a serious impediment to economic development. Moreover, the share of Aid for Trade has dwindled to just a small fraction of total assistance.

Chart 1.1 Official development assistance (ODA) 2009-2015

(€ million at constant 2014 prices)



Note: The Aid for Trade categories are identified on the basis of explanatory notes available on the OECD website. The figures correspond to net disbursement.

Source: WTO Secretariat calculations based on OECD data. Viewed at: http://www.oecd.org/trade/aft/aid-for-tradestatisticalqueries.htm; and World Bank, *World Development Indicators*.

1.5. Its location at the confluence of the main routes traversing Africa makes Niger a natural hub for goods and services trade. The country shares borders with Algeria, Benin, Burkina Faso, Cameroon, Libya, Mali, Nigeria, and Chad. Nonetheless, the share of imports and exports of goods and services in Niger's GDP fell during the period (Table 1.1). Agriculture is practised by the overwhelming majority of the population and has a significant impact on economic growth in Niger. Thus, any strategy to improve the productivity and competitiveness of the agricultural sector and facilitate trade in agri-food products can be expected to have a favourable impact in terms of economic expansion. In the short-to-medium term, policies to open up rural areas (rural roads and tracks), should be encouraged for their positive externalities on the agricultural sector, and hence on economic growth.

1.6. As a member of the West African Economic and Monetary Union (WAEMU), Niger participates in the franc zone and shares a common currency with the other member countries. It has harmonized various components of its trade policy with the other WAEMU members and those of the Economic Community of West African States (ECOWAS) (common report, section 3). It has also harmonized other sectoral policy elements with its regional partners (common report, section 4).

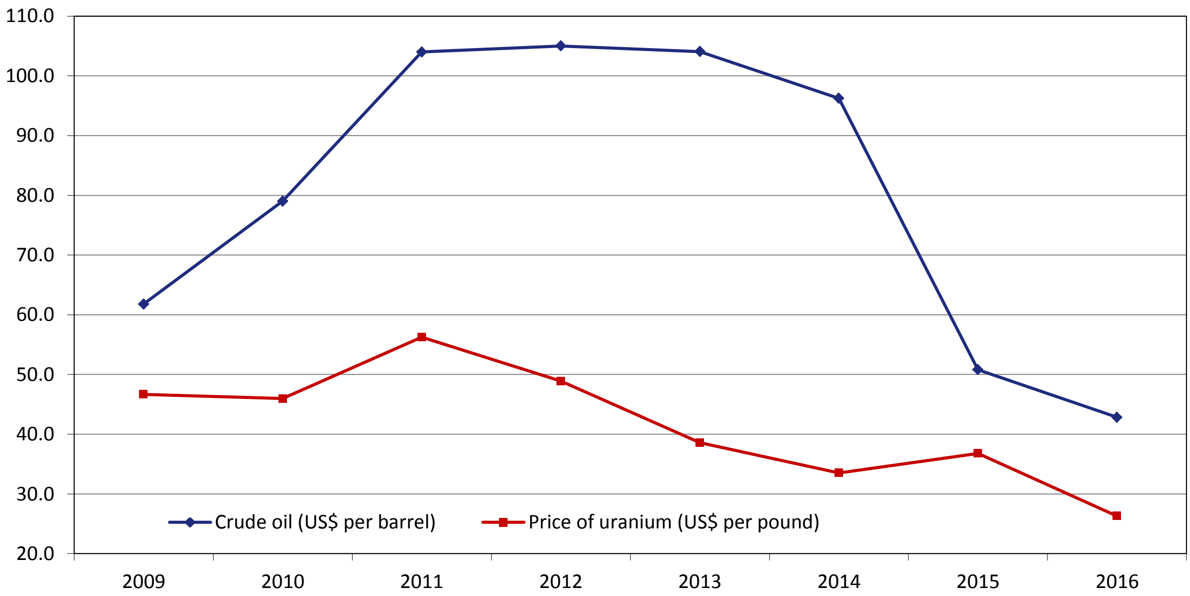
1.2 Recent economic developments

1.7. Since 2011, the Government has targeted its public investment policy on upgrading infrastructure in the energy, transport and communications sectors. This policy was defined in the Niger Renaissance Programme, a second component of which was launched in 2016.[3] This programme prioritizes water management and the development of irrigation to reduce the dependence of agricultural production on weather conditions, notably through the implementation of the 3N Initiative (Niger Feeds Niger). The second Economic and Social Development Plan (PDES) 2017-2021 aims to maintain these priorities.

[3] Online information from Niger Inter, viewed at: http://www.nigerinter.com/programme-de-renaissance-ii.

1.8. As noted above, Niger's economic performance since its last trade policy review in 2009 has continued to depend mainly on very uneven crop harvests (Table 1.1). Thanks to advances made in agricultural production, Niger managed to maintain average GDP growth at over 6% per year between 2010 and 2015, despite a sharp drop in uranium and oil prices (Chart 1.2).

Chart 1.2 World uranium and oil prices, 2009-2016



Source: IMF, Primary Commodity Prices. Viewed at: http://www.imf.org/external/np/res/commod/index.aspx.

1.9. Overall, Niger is finding it difficult to meet the convergence criteria set by the WAEMU community framework (common report, section 1), and fiscal policy proved strongly expansionary in 2014 and 2015 (Table 1.1). Niger was supported by the IMF's Extended Credit Facility (ECF) from 2012 to 2016, with the aims of strengthening public finance and debt management and developing its financial sector. This facility was renewed in 2017 as part of a programme to help improve public financial management and the efficiency of spending, to facilitate the attainment of Niger's development goals, in particular to finance infrastructure and social spending.[4] Public expenditure (especially that relating to the PDES, payroll and strengthening of the security system) had increased in 2013-2015.

1.10. Total revenue growth did not keep pace with expenditure during the period, hence the upward trend in the fiscal deficit, especially between 2010 and 2015 (Table 1.1). The growth of the overall deficit (including grants), to over 8% of GDP in 2014 and 2015, reflected operations to secure the territory and combat terrorism, with a consequent increase in the defence budget as from 2012. Nonetheless, although full application of the provisions of the 2006 Mining Law has helped to increase tax revenues, particularly from value-added tax (VAT) (section 4.2.3), its effect has remained limited. Reforms appear to be under way to broaden the tax base, reduce exemptions and strengthen regional tax coverage.

1.11. Government revenues were hardly affected by the fall in oil prices, as the country produces barely 20,000 barrels per day. However, one of Niger's main problems is its heavy reliance on import duties for tax revenue, yet these are undermined by the scale of its informal trade. The effect of the government deficit on inflation was contained by the BCEAO's strict common monetary policy (common report, section 1).

1.12. Niger is experiencing (significant and lasting) structural difficulties in relation to its external financial situation, particularly its external current account deficit. The latter partly reflects large-scale imports of food products, equipment and raw materials, plus the attendant freight

[4] Online information from the IMF, viewed at: https://www.imf.org/fr/News/Articles/2017/01/24/PR1718-Niger-IMF-Executive-Board-Approves-US-134-04-Million-under-ECF-Arrangement.

charges (Table 1.2). The resumption of remittances from Niger's emigrant workers, following their sharp decline in 2012 owing to worsening security situations in the workers' host countries, was unable to bridge this gap, nor was the significant improvement in the financial account following its deterioration in 2013. The latter was caused by a slowdown in uranium mining activity, delays in construction work at the Imouraren site and the repayment of loans related to the oil project (section 4.2).

Table 1.2 Balance of payments, 2010-2016

(€ million)

	2010	2011	2012	2013	2014	2015	2016
Current account balance	-854.6	-1,029.5	-795.3	-866.4	-983.8	-1,339.5	-843.5
Goods and services	-1,159.9	-1,239.5	-945.7	-949.8	-1,132.4	-1,469.3	-977.2
Merchandise balance	-613.6	-663.2	-358.6	-323.6	-560.9	-801.0	-518.3
Exports of goods f.o.b., of which:	869.2	913.8	1,122.6	1,196.1	1,090.2	980.5	946.7
Uranium	369.3	483.4	516.4	461.6	366.7	367.0	321.1
Cattle	88.6	98.6	99.6	102.4	115.3	103.3	94.1
Onions	60.6	54.0	57.8	84.9	99.4	92.6	111.3
Refined petroleum	0.0	0.0	177.8	303.2	218.3	135.3	150.3
Cowpeas	80.5	66.7	50.8	53.8	50.8	57.4	64
Non-monetary gold	70.8	70.2	69.1	45.3	33.1	37.9	51.2
Other	199.4	141.0	151.1	144.9	206.7	187.0	154.7
of which: Re-exports	69.7	70.8	98.4	109.7	160.5	149.3	146.4
Memorandum item: intra-WAEMU	55.9	64.6	138.5	189.6	220.5	114.6	130.6
Imports of goods f.o.b.	-1,482.7	-1,577.1	-1,481.2	-1,519.7	-1,651.1	-1,781.5	-1,465.0
Imports of goods c.i.f., of which:	-1,953.4	-2,009.7	-1,863.1	-1,911.6	-2,080.8	-2,245.1	-1,846.3
Food products	-321.7	-350.5	-433.9	-357.2	-364.7	-425.9	-378.9
Other consumer goods	-319.8	-340.0	-358.6	-392.3	-336.5	-354.0	-349.6
Oil and energy products	-235.3	-249.1	-48.2	-69.0	-80.6	-116.6	-105.3
Raw materials/intermediate goods	-443.7	-480.7	-471.1	-496.3	-516.6	-542.5	-402.2
Capital goods	-450.8	-483.0	-410.5	-485.5	-631.1	-647.5	-467.9
Memorandum item: intra-WAEMU	-153.9	-203.8	-247.0	270.6	276.0	319.5	-245.2
Services balance	-546.3	-576.3	-587.1	-626.2	-571.6	-668.3	-458.9
Credit	90.1	49.8	58.7	111.1	213.6	208.7	222.1
of which: Travel	55.6	36.9	38.8	43.5	67.5	66.6	70.9
Debit	-636.4	-626.1	-645.8	-737.3	-785.2	-877.0	-681
of which: Freight and insurance	-401.9	-412.0	-365.6	-390.4	-425.3	-462.6	-381.3
Primary income	-33.3	-36.7	-105.3	-139.1	-114.4	-137.9	-146.7
of which: Debt interest	-5.8	-10.5	-10.4	-43.7	-46.2	-56.0	n.a.
Secondary income	338.6	246.8	255.8	222.5	263.0	267.7	280.4
Public administration	238.9	120.5	179.7	120.0	139.9	144.1	140.9
Other sectors	99.6	126.3	76.1	102.5	123.1	123.6	139.5
of which: Migrant transfers	65.5	51.0	27.4	25.3	40.5	48.8	55.1
Capital account	147.8	104.5	212.2	430.0	280.6	265.1	271.7
Financial account	-865.2	-889.7	-838.8	-598.7	-988.3	-880.1	-552.3
Direct investment	-755.1	-760.0	-653.1	-465.8	-552.7	-446.4	-237.1
Portfolio investment	-14.6	-13.3	-7.5	14.4	-94.2	-128.0	-48
Other investment	-95.5	-116.3	-178.2	-147.3	-341.4	-305.6	-267.2
Overall balance	147.2	-42.8	248.0	150.9	276.5	-202.2	-19.5

n.a. Not available.

Source: Information provided by the authorities.

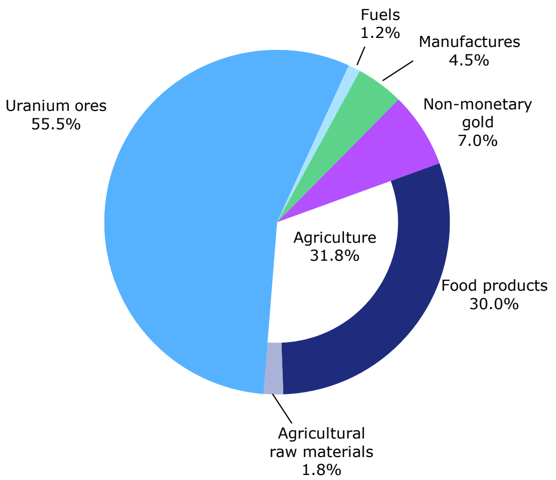
1.3 Trade performance

1.13. Petroleum products have changed the structure of Niger's exports since 2009 (Tables A1.1, A1.2 and A1.3, and Chart 1.3); hydrocarbon exports were worth €130 million in 2015, accounting for nearly one fifth of the total. The fact that Niger is no longer wholly dependent on imports to meet its oil needs has generated considerable savings, with imports of petroleum products reaching the equivalent of €316 million in 2011, before dropping below €180 million in 2015. Due to the increase in volumes extracted, uranium revenues grew from €183 million to €360 million between 2011 and 2015 despite the fall in prices. Re-exports, mainly cigarettes, second-hand clothing, cotton fabrics, vehicles and machinery, and foodstuffs (rice, pasta, vegetable oils, etc.) to neighbouring countries, mainly Nigeria, also tripled in value (Table 1.2).

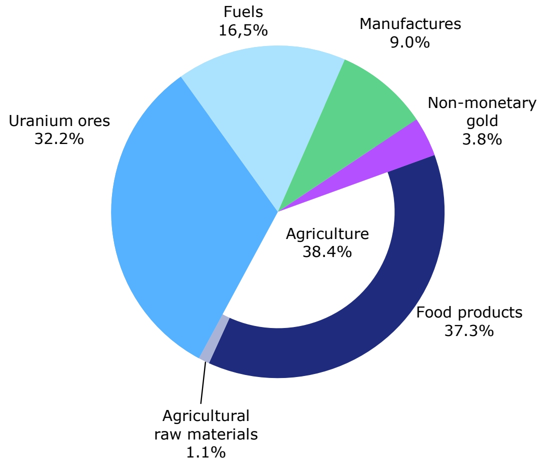
Chart 1.3 Structure of merchandise trade, 2009 and 2016

2009 **2016**

(a) Exports (f.o.b.)

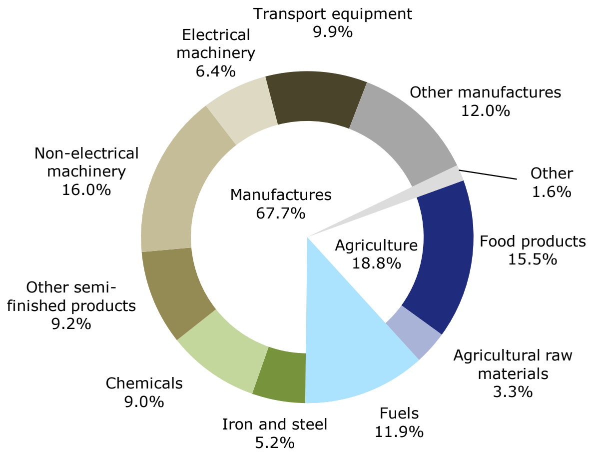


Total: €452.1 million

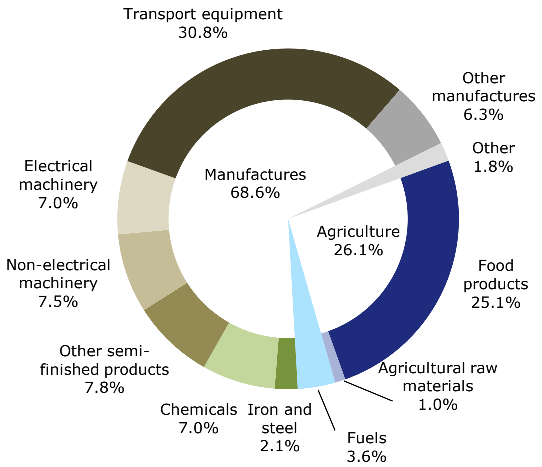


Total: €838.3 million

(b) Imports (c.i.f.)



Total: €1,171.3 million



Total: €1,682.1 million

Source: WTO Secretariat calculations based on data from the UNSD Comtrade database (SITC Rev.3).

1.14. Uranium remains Niger's leading export product, although its share of total exports has declined since 2009 as the price has fallen (Chart 1.3 and section 4.2.3). Most of the production is exported to France and the United States. Gold generates about €40 million in annual exports, although sales have stagnated. The other important export hub consists of food products (cereals, horticultural products, onions, cowpeas), and in particular live cattle transported to Nigeria (section 4.1). Cattle exports grew from €77 million in 2009 to over €100 million in 2015. Onion exports also increased by nearly one third (Table 1.2). In contrast, cowpea exports have declined sharply in value terms owing to attacks by insects and other predators. Agricultural export constraints include taxes and red tape, and the poor quality of road infrastructure and means of transport (sections 3.2 and 4.4.2).

1.15. Niger's merchandise imports doubled in value between 2009 and 2015, outweighing exports threefold. Imports of food products have increased sharply since 2009, as have those of raw materials and intermediate goods. The European Union, particularly France, remains the main source of Niger's merchandise imports, followed by China and Nigeria (Table A1.4 and Chart 1.4).

1.16. Niger is also a net importer of services valued at almost €700 million per year (Table 1.2). Half of this amount represents freight and insurance on imported goods. The other services trade items are telecommunications, information technology, research and development, management consulting, and repair and construction work.

1.4 Foreign direct investment

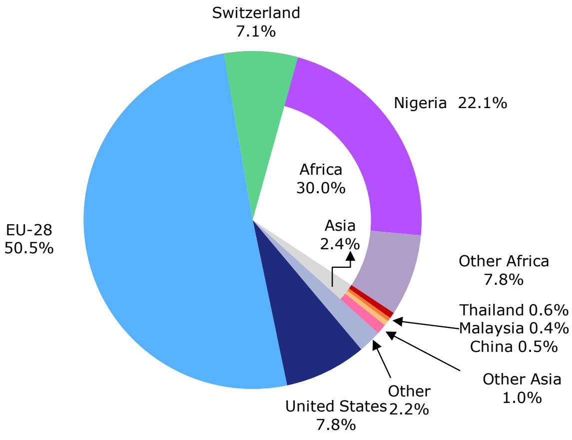
1.17. Foreign direct investment (FDI) flows have maintained a level of around €500 million per year since 2009, and are supported by portfolio investment and other investments in the form of loans, deposits, trade credits or advances (Table 1.2). Projects under way include the construction of the Kandadji Dam, which aims to make the country energy-sufficient, but implementation seems to have suffered from a serious lack of governance.[5] The range of projects also includes the rehabilitation and development of irrigation systems to support the agriculture sector and protect it from weather vagaries; the construction of a third bridge in Niamey, following inauguration of the second bridge in March 2011; a 140-km stretch of railway; and a new refrigerated slaughterhouse in Niamey. In the mining sector, the Imouraren project (section 4.2.3) was expected to make Niger the world's second largest uranium producer, but it was shut down in May 2017 owing to the commodity's low price on the world market.

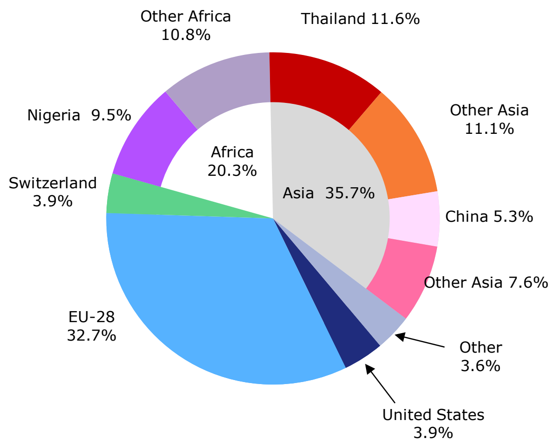
[5] See, for example, "Affaire du barrage de Kandadji: De la poudre aux yeux des bailleurs de fonds", Niger Diaspora, 19 January 2017. Viewed at: http://nigerdiaspora.net/les-infos-du-pays/politique-niger/politique-niger/item/76550-affaire-du-barrage-de-kandadji-de-la-poudre-aux-yeux-des-bailleurs-de-fonds.html.

Chart 1.4 Direction of merchandise trade, 2009 and 2016

2009	**2016**

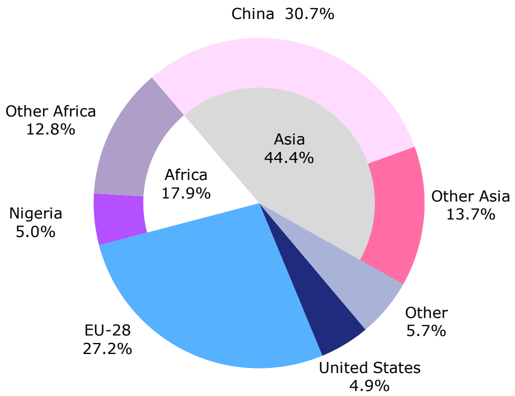
(a) Exports (f.o.b.)

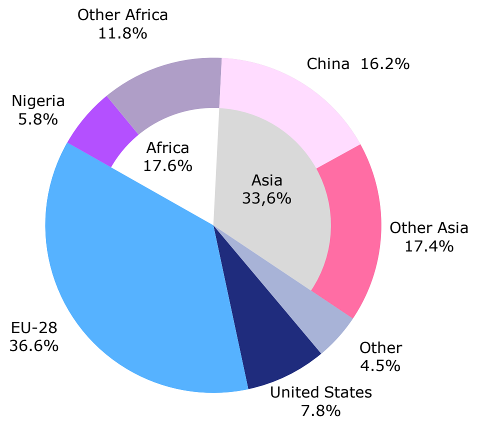




Total: €452.1 million | **Total: €838.3 million**

(b) Imports (c.i.f.)





Total: €1,171.3 million | **Total: €1,682.1 million**

Source: WTO Secretariat calculations based on data from the UNSD Comtrade database (SITC Rev.3).

2 TRADE AND INVESTMENT REGIMES

2.1 Overview

2.1. Niger's latest Constitution was adopted by referendum in 2010. It was promulgated by presidential decree and took effect on 25 November 2010.[1] The Constitution provides for a unicameral, semi-presidential regime in which the President of the Republic is elected directly and the Prime Minister is appointed from the parliamentary majority. The most recent presidential and parliamentary elections took place in February and April 2016, respectively; the next elections are expected in 2021.

2.2. Niger also convened national consultations on the justice system in 2011. One major outcome was the establishment of commercial courts in 2015. In May 2017 the Niamey Commercial Court had its own headquarters. The national consultations also led to the creation of the National Legal Advice and Aid Agency in order to provide legal assistance to the indigent.[2]

2.3. In Niger, international treaties and agreements take precedence over domestic legislation as soon as they are ratified and published, provided that each treaty or agreement is applied by the other parties. Supranational regulations are therefore hierarchically superior in Niger, followed by the Constitution, laws, ordinances and decrees. The online publication of the Official Journal containing these texts is essential if they are to be properly and widely understood. The new trade-related legal instruments are listed in Table 2.1.

2.4. The Ministry in charge of trade is responsible for trade policy and negotiations. It is also the focal point for the follow-up of WTO trade agreements and Niger's participation in WTO activities. It is assisted by an inter-institutional technical advisory committee comprising several subcommittees (WTO follow-up, trade facilitation, follow-up of the Economic Partnership Agreement (EPA) signed with the European Union, Integrated Framework Steering Committee and the Committee on the Continental Free Trade Area (CFTA)). Depending on the subject at hand, the Ministry is assisted by other departments. The Ministry of Finance represents the country at the ministerial meetings of the franc zone, WAEMU and ECOWAS, and it supervises the Directorate-General of Customs and Indirect Taxation.

2.5. The Chamber of Commerce and Industry of Niger (CCIN, section 2.4) plays an important part in coordinating between the various international trade operators.[3] Since January 2007 it has housed the Business Start-up Centre (CFE), which simplifies administrative formalities for new enterprises across all regions in the country. In 2014 the CFE was expanded to the Business Centre (section 2.4), which is managed by the CCIN.

2.6. The National Network of Chambers of Agriculture of Niger (RECA) also actively promotes agricultural products, including their export.[4] The new Chamber of Craft Trades of Niger (CMANI) was set up in 2014 (section 4.3), but does not yet have a website through which to publicize its products.

Table 2.1 Niger's trade-related laws and regulations, 2009-2017

Area (section)	Instrument/text
Constitution (2.1)	Constitution of the Seventh Republic of Niger, Presidential Decree No. 2010-754/PCSRD of 25 November 2010
Chamber of Craft Trades (2.1)	Law No. 2012-33 of 5 June 2012 establishing the Chamber of Craft Trades of Niger (CMANI)
Commercial Court (2.1)	Law No. 2015/08 of 10 April 2015 on the organization, powers, procedures and operation of the commercial courts
Labour Code of 2012 (2.4)	Law No. 2012-45 of 25 September 2012 containing the Labour Code
Investment Code (2.4)	Law No. 2014-09 of 16 April 2014 containing the Investment Code

[1] Constitution of the Seventh Republic of Niger. Viewed at: http://www.wipo.int/edocs/lexdocs/laws/fr/ne/ne005fr.pdf.

[2] Law No. 2011-42 of 14 December 2011 laying down the rules applicable to legal advice and aid, and creating a government administrative institution to be known as the National Legal Advice and Aid Agency.

[3] Decree No. 2016-74/PRN/MC/PS of 26 January 2016 approving the statutes of the Chamber of Commerce and Industry of Niger (CCIN). Viewed at: http://www.ccian.ne/index.php?option=com_content&view=article&id=73:decrets&catid=86&Itemid=890.

[4] Online information viewed at: http://www.reca-niger.org/spip.php?rubrique14.

Area (section)	Instrument/text
Export of asses (3.2.2)	Order No. 063/MAG/EL/MI/S/D/ACR/MF/MC/PSP of 26 July 2016 relating to the slaughter of asses and prohibiting their export and that of their meat and hides
Consumer protection (3.3.5)	Law No. 2015-24 of 11 May 2015 determining the basic principles of consumer protection
Government procurement (3.3.6)	Decree No. 2016-641/PRN/PM of 1 December 2016 containing the Code on government procurement and public service concessions
Law on public-private partnership contracts (3.3.6)	Law No. 2014-02 of 31 March 2014 establishing the fiscal, financial and accounting regime applicable to public-private partnership contracts
Electricity Code (4.2.4)	Law No. 2016-05 of 17 May 2016 on the Electricity Code
Regulatory Authority for the Energy Sector (4.2.4)	Law No. 2015-58 on the establishment, mission, organization and functioning of an independent administrative authority to be known as the Regulatory Authority for the Energy Sector
Water Code of 2010 (4.2.5)	Ordinance No. 93-014 of 2 March 1993, as amended by Law No. 98-041 of 7 December 1998
Ordinance on telecommunications, 2010 (4.4.1)	Ordinance No. 99-45 of 26 October 1999, as amended in 2010
Regulatory authority (2012) (4.4.1)	Law No. 2012-70 of 31 December 2012 on the establishment, organization and functioning of the Regulatory Authority for Telecommunications and Postal Services
Postal services (4.4.1)	Law No. 2011-19 of 8 August 2011 amending and supplementing Law No. 2005-20 of 28 June 2005 determining the basic principles of the postal regime
Transport (4.4.2)	Ordinance No. 2009-025 of 3 November 2009 determining the basic principles of the transport regime
Rail transport (4.4.2.2)	Concession agreements for the operation and construction of Niamey-Cotonou railway infrastructure by the French group Bolloré
Hotel ratings (4.4.3)	New 2015 order

Source: Authorities of Niger.

2.2 Trade policy formulation and objectives

2.7. Prominent among the Government's trade policy objectives, which were laid out in Niger's second Renaissance Programme (section 1.2) is capturing international market share for Niger's products, especially in ECOWAS. To this end, the Government is keen to support young graduates in starting up commercial enterprises; to diversify and increase agricultural, pastoral, craft and industrial production in which Niger enjoys a comparative advantage; introduce production standards for goods and services, as well as a generalized quality system; accredit analytical and testing laboratories; certify enterprises and products; create free zones; and improve the business climate.

2.8. The Government has ratified the WTO Trade Facilitation Agreement (section 2.3), aware as it is of the important role of trade in poverty reduction. Much remains to be done, however, in terms of cutting import taxes (section 3.1) and even more so export taxes (section 3.2), as well as removing other barriers to trade to allow it to fulfil this role. Niger's ambition is to reduce its dependence on receipts from import duties and taxes, which currently account for over one third of total government revenue (section 3.1.2).

2.9. On the export promotion front, the Government has decided to focus on some sectors deemed the most promising in terms of wealth and job creation, in particular for the poorest people. These are livestock raising, leathers and skins; agriculture (onions, cowpeas, tiger nuts, dates, groundnut, and cotton); and mining, including small-scale mining (section 4.2.3). As pertains to imports, which supply the bulk of the goods consumed in the country, the Government's aim is to provide access to quality goods at the best possible prices so as not to overburden household budgets.

2.3 Trade agreements and arrangements

2.10. Niger is an original Member of the WTO[5], to which it has submitted just one notification since 2009.[6] Until the acceptance of the Trade Facilitation Agreement by the President of the

[5] Ordinance No. 96-063 of 9 November 1996 authorizing the ratification of the Marrakesh Agreement Establishing the WTO.

[6] WTO document G/MA/321, 23 December 2014. Viewed at: https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/MA/321.pdf.

Republic in July 2015, Niger had not signed any plurilateral agreement or any of the protocols and agreements concluded under the WTO.[7] Niger has been reviewed twice by the WTO Trade Policy Review Body, first in 2003 and again in 2009, on both occasions jointly with Senegal. Niger has never been involved in a dispute at the WTO.[8] Niger is also a member of the WAEMU and ECOWAS, with which it shares common policy elements, and of the Community of Sahel-Saharan States (CEN-SAD) (common report, section 2.2.1).[9]

2.11. Niger continues to be eligible for tariff preferences under the Generalized System of Preferences (GSP) of several countries (Australia, Belarus, Canada, the European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, the Russian Federation, Switzerland, Turkey, and the United States). The EU's GSP incorporates the "Everything But Arms" initiative[10], under which the EU has been granting duty-free access, with no quantitative restrictions, for products (except for arms and ammunition) originating in least developed countries, including Niger, since 2001. The GSP of the United States incorporates the AGOA, under which Niger is also eligible.[11]

2.4 Investment regime

2.12. Niger has been introducing reforms to improve its business climate since 2009. Two reforms of the justice system have helped enhance its efficiency (section 2.1). As regards enforcing contracts, maximum time frames have been set for addressing disputes. Pertaining to the resolution of insolvency, OHADA's collective procedures for the recovery of ailing businesses have been adopted. Measures are also said to have been taken to speed up the connection of SMEs to the electricity grid (section 4.2.4). A new Labour Code was adopted in 2012, and a new Investment Code promulgated in 2014, as was a new law on public-private partnership contracts (section 3.3.5).[12] According to the authorities, one of the key developments in terms of investment facilitation has been the creation of the Business Centre.[13]

2.13. In July 2014, the Government issued a decree (Decree No. 2014-503 of 31 July 2014) making it optional to retain the services of a notary when starting a business. This should cut the cost of business start-ups, as notary fees are estimated at 3% of equity capital. In April 2017, the Government passed another decree reducing the minimum capital requirement in Niger (Decree No. 2017-284/PRN/MC/PSP/MJ of 13 April 2017). In May 2017, the minimum capital requirement moved from CFAF 100,000 to CFAF 5,000 (minimum equity shares set by OHADA). Moreover, since 2016 the issuance of a tax identification number (NIF) has been free of cost. The registration of articles of association has also been free of cost since 2016. Thanks to these measures, the costs of setting up a limited liability company, for example, are understood to have fallen from CFAF 74,000 in 2010 to CFAF 17,500.

2.14. The Business Start-up Centre (CFE) is part of the Business Centre, located at the CCIN.[14] The CFE is a single window that centralizes business start-up formalities to be completed with the relevant departments, some of which are represented (in particular the Directorate-General of Taxation and the National Social Security Fund (CNSS)). Thanks in part to the coming on stream of the single window, the number of business start-up procedures has fallen from 11 in 2007 to four in 2017, and this has also helped to substantially reduce the time frames and costs involved.

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[7] Online information viewed at: https://www.wto.org/english/tratop_e/tradfa_e/tradfa_agreement_e.htm.

[8] Online information viewed at: https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm.

[9] WTO Secretariat, Regional Trade Agreements database. Viewed at: http://rtais.wto.org.

[10] WTO document WT/COMTD/57 of 29 March 2005.

[11] UNCTAD (2015), Generalized System of Preferences - List of Beneficiaries. Viewed at: http://unctad.org/en/PublicationsLibrary/itcdtsbmisc62rev6_en.pdf.

[12] Law No. 2014-02 of 31 March 2014 establishing the fiscal, financial and accounting regime applicable to public-private partnership contracts. Viewed at: http://www.lesahel.org/index.php/component/k2/item/10324-assembl%C3%A9e-nationale--le-ministre-de-leconomie-et-des-finances-m-saidou-sidib%C3%A9-r%C3%A9pond-%C3 per centA0-une-interpellation-relativement-%C3 per centA0-des-contrats-d%C3%A9coulant-du-partenariat-public-priv%C3 per centA9. See also Ordinance No. 2011-07 of 16 September 2011 on the general regime governing public-private partnership contracts.

[13] The Government set up the Business Centre, managed by the CCIN, pursuant to Decree No. 2012-247 PRN/MC/PSP/MM/DI of 30 May 2012.

[14] Decree No. 2001-220/PRN/MC/PSP of 23 November 2001.

2.15. In Niger, sole proprietorships or companies must be enrolled in the Trade Register and the CNSS, and must declare their start of operations to the labour inspectorate. The recruitment of foreign workers, irrespective of nationality, must be authorized by the Ministry responsible for labour. The single window does not handle construction permits.

2.16. Businesses operating in Niger must abide by the Commercial Code[15], in addition to the seven OHADA Uniform Acts concerning commercial companies (common report, section 2.5), which have been transposed directly into Niger's legislation. In the event of conflict, OHADA law takes precedence over domestic provisions, which have not yet been repealed.

2.17. All these efforts to ease the creation and operation of businesses have borne fruit: having placed Niger 172nd among 181 countries in its Doing Business 2009 ranking, the World Bank classified Niger 150th among 190 countries in 2017.[16] Greater headway has been made in respect of starting a business (88th place); the other doing business rankings remain poor, especially when it comes to obtaining construction permits, getting electricity and paying taxes. There have been new moves to step up the fight against corruption.[17] Since 2017, a committee has been meeting on a weekly basis to allocate construction permits.

2.18. A new code now governs all investments made in Niger; approval under the Investment Code is not mandatory if the promoter does not wish to take advantage of its benefits.[18] The Code defines investment as "capital used by any natural or legal person to purchase movable, immovable, tangible and intangible property and to cover start-up costs, as well as working capital requirements for newly created enterprises or modernization operations". Portfolio investments from abroad are excluded.

2.19. The Code encompasses all sectors, except for purely commercial activities and activities governed by the Mining Code or the Petroleum Code (Article 5). Activities that had been specifically excluded from the scope of the previous code, such as postal services and some transport services, are now covered.

2.20. Investors must abide by an investment programme to which they commit by means of an approval agreement concluded with the Government, represented by the Minister responsible for industry. Investors are required to provide regular information on implementation, the amount of the investment and the number of jobs created, an exercise that could prove burdensome.

2.21. One of the major changes introduced under the new Code is that all businesses are now liable to the profits tax (ISB), whereas some had been exempt under the former code. Businesses approved under the former code benefit from grandfathering provisions.

2.22. The Code establishes three preferential regimes, based on the amount invested and the number of jobs created: the "promotional" regime (CFAF 25 million (about €38,000) to CFAF 2 billion (€3 million) in investment, and five to ten permanent jobs created, lasting six years with a maximum setting-up period of 36 months; the "conventional" regime (more than CFAF 2 billion in investment, at least 20 local jobs created, of seven years' duration, including the investment phase of three years maximum); and the "free zone and free point" regime, the sole prerequisite for which being, a priori, that a company exports "almost all" of its output. These regimes are reserved for businesses that prioritize the use of local workers, goods and services (Article 18).

2.23. The concessions accorded to approved enterprises, whether during the setting-up or the operational phase, are generally common to all three regimes; only the duration varies, depending

[15] Book I (Ordinance No. 92-048 of 7 October 1992) deals with traders in general as well as commercial auxiliaries. Book II (Law No. 95-011 of 20 June 1995) covers commercial acts in general, some commercial contracts, bills of exchange, cheques and security (pledges and collateral); Book III (Ordinance No. 96-038 of 29 June 1996) addresses commercial leases. Book IV (Law No. 97-40 of 1st December 1997) concerns collective preventive settlement, legal redress and liquidation procedures as well as the penalties relating to defaulting debtors.

[16] World Bank's *Doing Business* report. Viewed at: http://www.doingbusiness.org.

[17] Decree No. 2011-219/PRN/MJ of 26 July 2011 on the creation, terms of reference and powers, composition and functioning of the High Authority to Combat Corruption and Related Offences (HALCIA).

[18] Law No. 2014-09 of 16 April 2014 containing the Investment Code of the Republic of Niger. Viewed at: http://www.droit-afrique.com/upload/doc/niger/Niger-Code-2014-investissements.pdf.

on the chosen regime. During the setting-up phase they consist mainly of full exemption from all (internal and import) duties and taxes levied by the State on expenditure going directly to the implementation of the approved investment programme, except on imported materials for which there is a local equivalent of sufficient quality and availability (Article 32).

2.24. During the operational phase, approved companies enjoy exemption from the CET on imported raw materials and packaging, in the event of there being no equivalent locally manufactured products (VAT and other taxes are still due); and exemption from export taxes. They are also exempt from the minimum flat-rate tax, the business tax and the property tax. The period is extended by three years for investments outside Niamey, the capital city.

2.25. The Investment Code is implemented via a single window created for that purpose in the Office of the Minister responsible for industry, in parallel with the Business Centre, the Business Start-up Centre and the Investment Promotion Centre (CPI).[19] The Code contains arbitration and dispute settlement provisions (Article 45 et seq.). Enterprises benefit specifically from the guarantees contemplated under ICSID, MIGA, WAEMU and ECOWAS provisions.

2.26. In 1965 Niger concluded a tax agreement with France for the avoidance of the double taxation of income and laying down rules for mutual assistance in matters regarding the taxation of estates and successions and on registration fees, among other things.[20]

[19] Online information from *Investir au Niger*, viewed at: http://www.investir-au-niger.org.
[20] Online information viewed at: http://bofip.impots.gouv.fr/bofip/1712-PGP.

3 TRADE POLICIES AND PRACTICES BY MEASURE

3.1 Measures directly affecting imports

3.1.1 Procedures

3.1. Despite the reforms (section 2.4), mandatory registration procedures for traders engaged in import and/or export in Niger remain complex. The Single Window for Foreign Trade Formalities (GUFCE, section 2.1) has three main tasks: to confer status as an importer-exporter; to supervise the general rules for engaging in the profession of importer/exporter; and to collect trade information on the basis of the "statistical registration forms" (see below), which are subject to fees.[1]

3.2. Any person wishing to engage in an economic activity, including trade, must obtain a tax identification number (NIF) from the Directorate-General of Taxation, which entails providing, *inter alia,* authenticated copies of the person's birth certificate, certificate of nationality and identity document. These formalities may be completed at the Business Centre located in the premises of the Chamber of Commerce and Industry of Niger (CCIN). One of the improvements since the previous review is that the GUFCE no longer gives its own identification number to importers and exporters, who now only have to be registered in the NIF database. Furthermore, the authorization to engage in trade for foreigners, issued by the Ministry responsible for trade, has been suspended (but not abolished) since 2006. Nevertheless, in addition to the NIF, an importer/exporter has to submit an annual attestation that his tax situation is in order before he can be registered with the GUFCE.

3.3. Importers or exporters still have to be listed in the Trade and Mortgage Register and with the National Transport Users Council (CNUT), a government agency of an industrial and commercial nature; and must pay the relevant subscription to the CNUT Office in Niamey (the CNUT is represented by the CCIN in Niger's interior). The amount of the subscription to the CNUT is CFAF 30,000 (€46) for natural persons and CFAF 55,000 (€84) for legal persons.

3.4. Since 2010, Niger has embarked upon an evaluation of its trade procedures with a view to implementing the WTO Trade Facilitation Agreement (TFA) (section 2.3). The main areas where progress is needed on border procedures can be divided into the following three groups: transparency of procedures and their computerization; risk management; and the management of customs disputes. In the case of transit, where conditions could be improved, it should be noted that the goods involved mostly come from Benin, or from Togo or Ghana to a lesser extent, and are mainly going to Nigeria. The authorities have highlighted the need to build and equip facilities and parking areas for trucks in order to strengthen and improve transit capacity.

3.1.1.1 Transparency and computerization of procedures

3.5. The Government is aware of the need to better inform users concerning changes to procedures. To do so, information points need to be set up and more information posted on secure official websites. Procedures for consultation and the possibility of obtaining advance decisions could also be introduced.

3.6. The fact that Niger's Customs Code[2] dates from the 1960s, as does a large part of customs legislation, suggests that regulatory reform of all trade-related texts would be opportune; it would undoubtedly bring about a reduction in duplication and obsolete legislation. The community Customs Code (common report, section 3.1), however, takes precedence if there is any conflict.

3.7. The number of standard documents required upon importation fell from ten to six in 2017, and for exports from eight to four.[3] In 2017, the documents required for import are: the commercial invoice, the road traffic tracking note (BSTR) or the cargo tracking note (BSC, section 3.1.1.3); the T1 transit document or road transit carnet; the statistical registration form

[1] Order No. 028/MPE/DCE of 16 August 1990.

[2] Law No. 61-17 of 31 May 1961, as amended.

[3] Interministerial Order No. 088 MC/PSP/MF of 17 December 2014 on the documents required for the import or export of goods.

issued by the Ministry responsible for trade; the detailed declaration from the country of export; and the certificate of origin. Copies are not accepted.

3.8. An inspection certificate is one of the documents no longer required (section 3.1.1.2). The cargo tracking note (common report, section 3.1.1) is still required, as is the export declaration drawn up in the country of origin.

3.9. The statistical registration form, required for monitoring foreign trade for statistical purposes, may represent an additional administrative complication.[4] The form differs depending on whether the transaction involves a financial settlement or not.[5] For trade with countries in the WAEMU area, the form has three sheets and registration can be rapid, although it costs CFAF 12,000 (€18.30).

3.10. For other trade, the form has four sheets: one for the GUFCE, one for the economic operator, one for the Ministry responsible for trade and one for the Ministry of Finance to authorize foreign exchange for transactions outside the WAEMU area. The cost is CFAF 16,000 (CFAF 2,000 per sheet and four stamps at CFAF 3,000 each to be affixed to each sheet). As part of the implementation of the TFA, it is planned to do away with hard copies of these forms in 2017.

3.11. All goods submitted to the Customs must be the subject of a detailed declaration[6], which can only be submitted by approved customs clearing agents and by importers with a clearance credit on their own behalf (common report, section 3.1.1). In May 2017, ASYCUDA World was being introduced into Niger. The informatics development plan of Niger's Customs should in the long run lead to the use of new information and communications technology, including electronic payment and upgrading of customs software.

3.12. Registration of the detailed declaration may be followed by inspection of the goods by the customs authorities.[7] The goods may not be released until all duties and taxes have been settled and paid, unless the importer has a clearance credit[8] or a duty and tax credit.[9] In 2017, 80% of customs revenue came from cash payments. Two other customs-related areas in which progress could help to streamline trade and implement the TFA are the introduction of customs clearance after the goods have been released, and the introduction of streamlined measures for approved economic operators.

3.13. Niger's policy on customs risk management remains strongly influenced by the government budget's dependence on customs revenue. This concern probably explains the resistance to change, notably the persistence of administrative procedures such as cargo tracking notes or the requirement to pay advances in the form of other taxes at the time of import.

3.14. In 2015, Niger set up a Commercial Court in Niamey (section 2.1). No statistics are available on the Court's activities. According to the authorities, very few customs disputes come before the courts. Customs procedures for appeals or reviews could be improved, however, as could procedures for withholding goods and the rules on sanctions.

3.1.1.2 Inspection of goods by private companies

3.15. The contract between the Government of Niger and the Swiss inspection company COTECNA expired in January 2017 and by June 2017 had not been renewed. COTECNA carried out preshipment inspection (or inspection upon arrival, but with penalties) of the tariff classification and the value, but not the quality of goods, in implementation of an import verification programme

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[4] Order No. 028/MPE/DCE of 16 August 1990.
[5] Circular No. 0108/MPE/DCE/PE of 30 January 1991.
[6] Order No. 509/MF/E/DGD of 7 December 2001.
[7] Articles 51-53 of the Customs Code (1961).
[8] *Ibid*., Article 62.
[9] Pursuant to Article 58 bis of the Customs Code (1961), importers may present for payment duly secured bonds with a maximum expiry date of four months, but this is not allowed when the amount to be paid is less than CFAF 100,000.

(PVI) notified to the WTO in 1996.[10] Since then, operators have no longer been obliged to complete "notices of intent to import" and forward them to COTECNA. After inspecting the goods, COTECNA issued an "inspection certificate" or "a notice of refusal to issue a certificate", which the importer had to attach to the customs declaration documentation.

3.16. Despite suspension of the PVI, the inspection tax amounting to 1% of the f.o.b. value of all imports, whether or not subject to the PVI (with exceptions) is still levied (since 1996).[11]

3.17. The system of "administrative values" upon importation, which covered almost 900 tariff lines, was also suspended when COTECNA ceased activities.[12] These administrative values covered, for example, some petroleum products, poultry, milk, green tea, milled rice, wheat flour, edible oils, sugar, biscuits, edible pasta, tomato paste, alcoholic beverages, cigarettes and tobacco products, fertilizers, soap, matches, exercise books, fabrics, inner tyres, iron bars, corrugated iron sheets, mattresses, batteries, motorbikes, motorized bicycles and bicycles.[13]

3.18. In addition, the Government may lower the customs value of some products, for example, sugar just before Ramadan, wheat or staple foods in order to offset the high prices in the "lean" season.

3.1.1.3 Cargo tracking note

3.19. The road traffic tracking note (BSTR) and the cargo tracking note (BSC) required on importation are issued by the CNUT. This document has apparently not become paperless; it has to be paid and is costly; the fee is €25-50 depending on whether the vehicle weighs less or more than five tonnes; €25-50 for 20/40 ft. containers; the BSC is invoiced at €5/tonne or per cubic metre for goods in bulk and €2/tonne for hydrocarbons. Each form costs €60. Moreover, as underlined by UNCTAD, this is not a transport document but a simple tracking document, which is nonetheless compulsory and has to be submitted to the Customs for each bill of lading.[14]

3.1.2 Levies at the border

3.20. The duties and taxes levied at the customs cordon accounted for around 34% of tax revenue in 2015, less than the 45% in 2010 (Table 3.1). As the Table below shows, the decrease is attributable to the receipts from import and export duties and taxes, whose increase in value was less than that of total fiscal revenue. The Government has thus managed to reduce dependence on fiscal revenue from international trade and increase that derived from internal taxation. In 2015, total revenue collected at the border in the form of duties and taxes amounted to €341 million.

Table 3.1 Revenue collected at the border, 2005, 2010 and 2013-2015

(CFAF billion and %)

	2005	2010	2013	2014	2015
I. Directorate-General of Taxation (DGI) account	**10.6**	**19.2**	**30.7**	**32.7**	**35.2**
Industrial and commercial profits (BIC) account	5.4	10.7	16.1	17.9	17.5
Excise duty on alcoholic beverages	0.5	0.6	1.2	1.3	2.0
Excise duty on tobacco and cigarettes	2.4	5.7	8.3	7.6	8.9
Flat-rate tax on tobacco and cigarettes	0.0	0.6	0.0	0.0	0.0
Other excise duty	2.4	1.8	5.1	6.0	6.8
II. Customs account	**96.7**	**135.1**	**146.6**	**153.4**	**188.6**
Imports	81.9	108.2	110.3	116.1	157.6
Customs duty (DD)	24.4	28.1	40.2	41.0	53.2
Statistical import charge (RSI)	2.5	8.1	5.3	5.6	6.3
Value-added tax (VAT)	48.3	60.0	62.7	67.6	92.1

[10] Decree No. 96-21/PCSN/MF/P of 12 February 1996, as amended by Decree No. 96-370/PCSN/MF/P of 18 October 1996 (notified to the WTO in documents G/PSI/N/1/Add.5 of 5 February 1997, Add.7 of 24 February 1998, and Add.8 of 28 September 1999).

[11] The exceptions include: goods intended for the State, imports by diplomatic missions, international or charitable organizations, and goods imported when changing residence.

[12] Circular No. 000027/MF/DGD/DRRI of 8 May 2017 on the systematic application of the transaction value. This circular was, however, suspended because of the "lean" season and the approach of Ramadan.

[13] Service note No. 00009/DGD/DRRI of 22 January 2007.

[14] UNCTAD (2015), *Niger – Diagnostic Trade Integration Study*, October 2015.

	2005	2010	2013	2014	2015
Tax on petroleum products (TPP)	6.7	11.7	1.7	1.5	5.1
Exports	12.0	26.9	36.3	37.3	31.0
Statistical export charge (RSE)	0.9	1.5	7.7	6.3	5.3
Special re-export tax (TSR)	11.1	25.4	28.6	30.9	25.7
III. Third-party account	**2.7**	**9.3**	**8.1**	**9.3**	**10.1**
Community solidarity levy (PCS/WAEMU)	1.2	4.0	4.2	4.8	5.2
Community levy (PC/ECOWAS)	1.5	5.3	3.9	4.4	4.9
Memorandum:					
Total revenue at the border (I + II) (CFAF billion)	**107.3**	**154.4**	**177.3**	**186.1**	**223.8**
of which: Customs revenue paid in cash	78.6	123.1	134.3	137.9	151.6
Amount of customs exemptions	n.a.	n.a.	83.9	113.4	223.0
Total revenue at the border (I + II) (€ million)	**163.5**	**235.4**	**270.3**	**283.7**	**341.1**
Percentage of customs receipts in total fiscal revenue, of which:	n.a.	42.7	30.7	29.4	32.7
DGI account	n.a.	5.3	5.3	5.2	5.1
Customs account, of which:	n.a.	37.4	25.4	24.2	27.5
Imports	n.a.	29.9	19.1	18.3	23.0
Exports	n.a.	7.4	6.3	5.9	4.5

n.a. Not available.

Source: WTO Secretariat calculations based on information provided by the authorities.

3.1.2.1 Customs duty and other levies

3.21. Niger applies the four community import taxes (CET, PC, PCS, RS, common report, section 3.1). The PC rate applied by Niger, however, is 1% (rather than the standard rate of 0.5%), in order to enable it to settle its arrears with ECOWAS. Niger does not apply any of the transitional community taxes intended to accompany the ECOWAS CET. Its tariff bindings at the WTO are indicated in the common report: for 616 lines, the applied rates exceed its WTO commitments (common report, Tables 3.9 and A3.1).

3.22. Since 1997, all import or export transactions for commercial purposes of a c.i.f. value of CFAF 2 million or more (around €3,000) entail the compulsory submission of a certificate in hard copy showing the NIF of the importer or exporter (section 3.1.1) at the time of customs clearance.[15]

3.23. An advance on profits tax (ISB) is required for all customs transactions, whether for import or export, unless the operator is in possession of a "certificate of exemption from payment of the advance". Persons without an NIF making a declaration pay an advance amounting to 5% of the c.i.f. value of the goods plus import duties and taxes and excise duty, except for VAT and the advance itself.[16] Persons with an NIF and taxed on the basis of actual turnover pay an advance of 3%. Such taxation may be prejudicial to the competitiveness of Niger's producers and exporters and could be reviewed. According to the authorities, domestic transactions are also subject to payment of the advance, although in practice it is not levied on transactions in the domestic market. Consequently, this tax is paid only on imports. It was not possible to discover under what conditions the sums levied are refunded to operators at the time they pay the ISB.

3.1.2.2 Internal taxes

3.24. Most of the internal taxes are specified in the General Tax Code, which can be consulted online.[17] Niger applies the community provisions on VAT and excise duty on both imported goods and services and those produced locally (common report, section 3.1.6); VAT is levied at the general rate of 19%. Excise duty is imposed on many fast-moving consumer goods, making these products much more costly for households: tea (12% in 2015); some fruit juices and water (15%); beer made from malt (25%) and other alcoholic beverages (45%); tobacco and tobacco products (45%); perfumery and cosmetic products (15%); kola nuts (15%); and edible oils and fats (15%).

[15] Law No. 97-45 of 15 December 1997.
[16] Title VIII, Tax Code (2008).
[17] General Tax Code. Viewed at: https://niger.eregulations.org/media/code g%C3%A9n%C3%A9rale des imp%C3 per centB4ts.pdf.

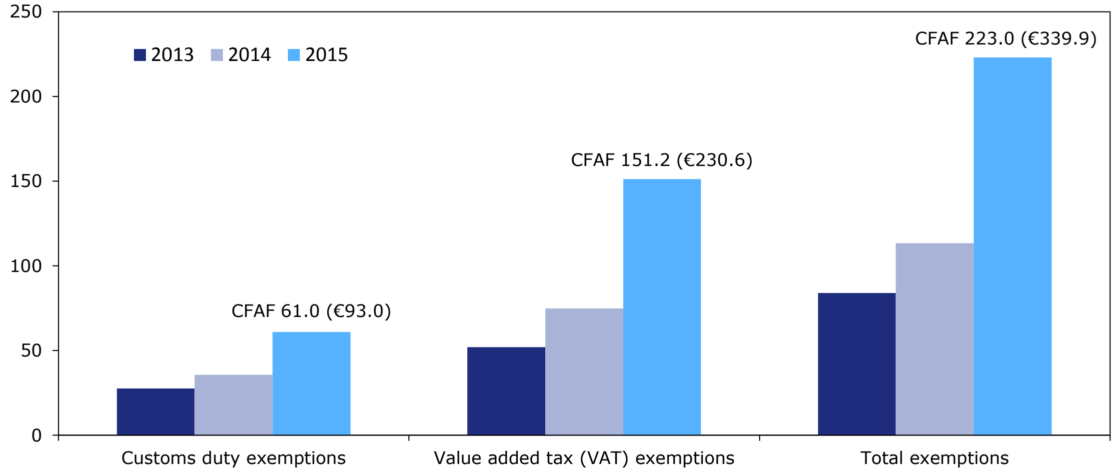
3.25. The internal tax on petroleum products (TIPP) is fixed at 12% of the ex-Soraz refinery price (section 4.2.2) for premium petrol and gas oil; and VAT at 19%. Kerosene is exempt from both the TIPP and VAT as it is used by low-income households, but customs duty has to be paid. LPG is exempt from all taxes. There is no TIPP on heating oil, but VAT applies.

3.1.2.3 Duty and tax exemptions and concessions

3.26. There are various forms of suspension, reduction or exemption from customs duty and/or other indirect taxes levied at the border, leading to substantial loss of revenue for the State (section 2.2 and Chart 3.1). To offset this problem, the Government has embarked on a systematic re-examination of the numerous VAT exemptions, particularly in the mining sector.

Chart 3.1 Amount of exemptions granted at the border, 2013-2015

(CFAF billion and € million)



Source: WTO Secretariat calculations based on information provided by the authorities.

3.1.3 Import prohibitions and licensing

3.27. Niger applies the WAEMU community regulations imposing bans on import, export, storage and transit with a view to protecting the health and safety of the population and the environment (common report, section 3.1.8). Prohibitions and licensing also apply under multilateral agreements, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)[18]; and the Montreal Protocol on substances that deplete the ozone layer.[19] The import (as well as the possession, transport, sale or exchange) of arms and ammunition[20] requires an authorization from the Ministry responsible for the interior. The import of explosive substances for use in mines, quarries and public works, as well as in agriculture, must receive prior authorization from the Minister responsible for mining.[21]

3.28. Since 1997, a declaration has been required for the import, export or international transfer of cultural goods.[22] The import and transit of industrial or nuclear waste have been banned since 1989.[23] Furthermore, all imports or exports of grains or forest plant material require prior authorization from the Minister responsible for forestry.[24] For the sale of pharmaceuticals, an marketing authorization from the Ministry responsible for health is imposed by the pharmaceutical legislation of 1997, in accordance with an approval process; importers of medicines must be

[18] Law No. 98-07 of 29 April 1998.

[19] Order No. 002/MC/PSP/DGC/DCE/PE of 2 January 2012 containing regulations on the import and marketing of ozone-depleting substances (ODS) and equipment containing them.

[20] Decree No. 63-074/MI of 23 April 1963.

[21] Order No. 009/MTPT/T/M/U of 14 April 1969.

[22] Law No. 97-022 of 30 June 1997.

[23] Ordinance No. 89-24 of 8 December 1989 prohibiting the import of toxic industrial and nuclear waste; and the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa, which came into force in March 1996.

[24] Law No. 2004-40 of 8 June 2004.

approved and present this authorization. Lastly, the import and export of gold requires prior authorization from the Minister responsible for finance and the Ministry responsible for mining.

3.29. The quota scheme for commercial imports and the re-export of wheat flour, introduced in 2005, was suspended in 2012.[25] Entitlement to the quota required the compulsory purchase of locally produced wheat flour from the sole producer, *Moulins du Sahel*, at the rate of 10% of the volume to be imported.[26] Since July 2014, flour has been subject to a minimum customs value of CFAF 350,000 (€534) per tonne. A similar purchasing scheme still applies to rice. An authorization to import a given quantity of rice is subject to proof of purchase of locally produced rice at the rate of 3% of the volume to be imported.

3.30. According to Niger's sole notification to the WTO Committee on Import Licensing in 1998[27], only hydrocarbons (except for butane gas) are subject to import licences issued by the Ministry responsible for trade.[28] Only persons approved by the Minister responsible for trade may trade in or possess hydrocarbons. There are two forms of import licence, which has to be obtained for every import transaction: a licence without purchase of foreign currency and a licence with purchase of foreign currency.

3.31. The production, import, and sale of bags and wrapping made of low density flexible plastic have been banned since 2015, but this measure is apparently not applied.[29] The recent ban on importing analogue television sets and decoders not consistent with the standards authorized for terrestrial digital television does not appear to be applied either.[30]

3.1.4 Anti-dumping, countervailing or safeguard measures

3.32. In principle, Niger applies the WAEMU provisions on anti-dumping, countervailing and safeguard measures. It has not taken any measure in this regard.

3.2 Measures directly affecting exports

3.2.1 Customs procedures and export taxes

3.33. Since 2014, different measures to streamline export procedures have been introduced.[31] They are, however, not very likely to boost exports in practice until the numerous export taxes are abolished.

3.34. To start with, there is still a 3% statistical export charge (RSE) on all products exported, except for minerals (uranium and oil). The base for the RSE is the c.i.f. value calculated according to a minimum unit value determined by the authorities.

3.35. For taxation purposes, unit values are determined for Niger's principal exports, including live animals, their hides and skins, plant products such as cotton, groundnuts, etc., smoked or dried fish, scrap metal and recycled batteries, and gold.[32] Since April 2015, for export tax purposes the administrative value of raw gold obtained from small-scale mining has been CFAF 5,000 (€7.6) per gram. These values are intended to guarantee a minimum amount of export tax revenue for the Customs. The values are determined at the administrative level and may be well below the market value (in June 2017, gold on the world market was over €35 per gram).

[25] Order No. 79/MC/PSP/MF of 10 December 2012.
[26] Order No. 64/MCI/PSP/ME/F of 20 December 2005.
[27] WTO document G/LIC/N/1/NER/1 of 12 January 1998.
[28] Ordinance No. 98-01 of 27 February 1998, replaced by Law No. 2014/11 of 16 April 2014.
[29] Law No. 2014-63 of 5 November 2014 banning the production, import, sale, use and storage of bags and wrapping of low density flexible plastic, and its implementing Decree No. 2015-321 PRN/MESU/DD of 25 June 2015.
[30] Order No. 78/MC/PSP/MP/T/EN/MC/RI of 5 November 2014 stipulates that only appliances corresponding to the MPEG-4 AVC standards for image compression and DVB-T2 for their emission are authorized.
[31] For example, Order No. 088/MC/PSP/MT/MF of 17 December 2014 on the documents required for the import and export of goods; and a new clearance and marketing note for agricultural-forestry-pastoral products.
[32] Service Note No. 00006/DGD/DRRI of 22 January 2007.

3.36. In addition, a special re-export tax (TSR) of 5% has to be paid on any re-export outside the franc zone, or 15% for cigarettes. There is also an advance/prepayment of the ISB amounting to 2% for operators with an NIF and 5% for those who do not have a number. These taxes are also imposed on intra-WAEMU or intra-ECOWAS trade. In this connection, it will be noted that the new Investment Code exempts exporters from these taxes (section 2.4). The base for the TSR is also calculated using a minimum export value for consumer goods (rice, tea, soap, sugar, edible oils, etc.) and cigarettes.[33]

3.2.2 Export prohibitions, quantitative restrictions and licensing

3.37. In principle, Niger applies export prohibitions on a certain number of products, and is party to several international agreements providing for export prohibitions (common report, section 3.2). The export of seed cotton has been banned since 1998 in order to guarantee the development of the cotton subsector.[34] A ban on the export of donkeys and asses has also been in force in principle since July 2016 (section 4.1).[35]

3.38. As part of the measures taken to ensure food security, since 2005, the export and re-export of millet, sorghum, maize, cassava flour and cattle feed have been banned.[36] Likewise, the re-export of milled rice has also been prohibited since 2005.[37]

3.39. The re-export of tobacco and cigarettes requires approval from the Ministry responsible for trade.[38] An export licence is still in effect, but currently only applies to hydrocarbons produced by Soraz (premium petrol, gas oil, and liquefied petroleum gas) in order to ensure national self-sufficiency in these products. The licence is valid for three months, with the option of renewing it twice for equal periods. The form costs CFAF 5,000 and comprises nine sheets, on each of which a fiscal stamp of CFAF 3,000 has to be affixed.

3.3 Measures affecting production and trade

3.3.1 Incentives

3.40. Pursuant to the Investment Code (section 2.4) or the General Tax Code, the principal incentives for production are of a fiscal nature.

3.3.2 Standards, technical regulations and accreditation procedures

3.41. Fifteen years after the legislation on standardization[39] was adopted, the mechanism for controlling the quality of products put up for sale in Niger, including imports, has still not become operational, despite the establishment of the National Standards Conformity Verification Agency (AVCN) in 2008. The purpose of the Agency is to "control the quality of Niger's imports and exports so as to protect consumers, ensure that trade practices are fair and promote performance by enterprises".[40] The official services and the press report large and frequent imports of harmful products, which is the reason for several measures prohibiting imports (section 3.1.4).

3.42. According to the authorities, continued significant imports of counterfeit goods would justify the intention to introduce a programme to verify the quality of imports. The purpose of such a programme would be to inspect the quality of products before they are shipped and to control those already on sale. In 2014, new procedures for inspecting and verifying conformity were

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[33] Service Note No. 007/DGD/DRRI of 21 April 2015 requires that export unit values should be applied uniformly by all customs offices.

[34] Order No. 45/MC/T/T/SE/DCE of 3 September 1992.

[35] Online information viewed at: http://www.nigerinter.com/dev/wp-content/uploads/2016/09/Arret%C3%A9_Asins-1.pdf.

[36] Circular No. 230/MEF/DGD/DRRI of 11 March 2005.

[37] Circular No. 085/DGD/CT of 22 December 2005.

[38] Order No. 030/MCI/PSP/DCI/C of 2 June 2006.

[39] Law No. 2002-28 of 31 December 2002 introducing standardization, certification and accreditation in Niger.

[40] Decree No. 2008-221/PRN/MCI/N of 27 July 2008 approving the statutes of the National Standards Conformity Verification Agency (AVCN).

introduced, but then repealed in 2016[41] because of discontent among traders importing goods. In May 2017, a text re-instating the programme for verifying imported and local products was before the Government for adoption.

3.43. Niger's main problem in terms of controlling the quality of products is that the country does not have an accredited laboratory to perform be it a minimal analysis of imported goods. The analysis or assessment of the presence or percentage of pesticide residues in certain foods cannot currently be conducted in existing facilities. The AVCN and the Directorate of Standardization, Quality Promotion and Metrology (DNPQM), the standardization body within the Ministry responsible for industry, which is the Agency's main source of standards and technical regulations, need capacity-building assistance. The DNPQM has a metrology laboratory which has begun the accreditation process.

3.44. Niger's standards are prepared in technical committees and then put before the National Standardization Council (CNN) for approval before they are adopted by the Minister responsible for industry and the relevant Order is published in the Official Journal.[42] The DNPQM acts as the Secretariat for the CNN and is the national enquiry point for the purposes of the WTO Agreement on Technical Barriers to Trade (TBT).[43] The CNN is composed of representatives of government authorities, the CCIN, consumers' associations, importers and exporters, and professional associations.[44] At May 2017, some 40 standards were in force.

3.45. The application of Niger's standards may be made mandatory[45], in which case the technical regulation is adopted by means of a joint order of the Minister responsible for standardization and the Minister responsible for the domain in question. The following technical regulations have been adopted in Niger, although they have not been notified to the WTO:

- Joint Order No. 89/MM/DI/MSP/MF of 31 May 2012 mandating Niger's standard on common wheat flour enriched with iron and folic acid;

- Joint Order No. 65/MM/DI/MSP/MF of 25 April 2012 mandating Niger's standards on refined edible palm, palm nut and groundnut oil enriched with vitamin A;

- Interministerial Order No. 116/MSP/CM/PSP/MMDI/DF of 25 March 2014 on criteria for the production, import and marketing of salt in Niger;

- Order No. 060/MC/I/N/DNQM of 24 November 2008 regulating the manufacture of soap in Niger; and

- Order No. 053/MC/I/N/DNQM of 28 October 2008 regulating the manufacture of bread in Niger.

3.3.3 Sanitary and phytosanitary measures

3.46. Niger has not made any notification to the WTO on its sanitary or phytosanitary regime (Table 3.2) or related activities. Although a legislative framework is in place, effective SPS protection is in its very early stages and SPS protection measures at the customs cordon are rare.

[41] Decree No. 2016-217/PRN/MMI of 17 May 2016 repealing Decree No. 2014-487 of 22 July 2014 determining the criteria and procedures for inspecting and verifying the conformity of goods with standards and technical regulations in the Republic of Niger.
[42] Law No. 2002-028/PRN of 31 December 2002; and WTO document G/TBT/2/Add.95 of 10 September 2007.
[43] Online information viewed at: http://tbtims.wto.org/default.aspx.
[44] Decree No. 2004-028/PRN/MC/PSP of 30 January 2004.
[45] Article 8 of Law No. 2008-08 of 30 April 2008.

Table 3.2 Sanitary and phytosanitary laws and regulations

Text	Subject	Authority applying the measure at the border
Decree No. 90-55/PRN/MAG/EL of 1 February 1990	Protection of seeds	Ministry of Agriculture
Ordinance No. 93-015 of 2 March 1993	Food quality control	Ministry responsible for health
Law No. 2015-35 of 26 May 2015 on plant protection Decree No. 2016-303/PRN/MAG/E2 of 29 June 2016	Phytosanitary protection of plants and plant products	Ministry of Agriculture
Order No. 031/MAG/EL/DPV of 25 February 1997	Phytosanitary control of plants and plant products on import or export	Ministry of Agriculture
Decree No. 98-108/PRN/MSP of 12 May 1998	Sanitary control of foodstuffs on import or export	Ministry responsible for health
Law No. 2004-048 of 30 June 2004	Framework law on livestock breeding; sanitary control on export or import	Ministry responsible for livestock

Source: WTO Secretariat.

3.47. In principle, the Directorate-General of Plant Protection is responsible for controls against payment of the phytosanitary inspection fees (CFAF 520/tonne). It also inspects plants and plant products for import or export and issues phytosanitary certificates, as well as the re-export certificates required by destination countries.[46] Phytopharmaceutical products are approved at the community level (common report, section 3.3.1).

3.48. For products of animal origin, procedures depend on whether they concern live animals (animal health certificate) or animal products (sanitary certificate, although in fact no meat is imported, with the exception of frozen chickens). A national strategy has been developed to combat and prevent avian flu. For foodstuffs, the sanitary control measures, including those at the border, are decided by the Ministry responsible for public health. According to the authorities, no product has been the subject of a trade restriction for SPS reasons.

3.3.4 Competition policy and price controls

3.49. Niger has a new law to protect consumers, providing for the establishment of a Consumer Protection Commission.[47] Moreover, it would appear that in May 2017 a law on competition was under preparation. Although Niger does not have any law on competition, WAEMU's community regime on competition is, in principle, applied in Niger (common report, section 3.3).

3.50. The pricing regime has not seen any major changes since Niger's previous review in 2003.[48] Although the price of some goods or services is fixed by an order from the Minister responsible for trade, in practice, such measures are not applied in most cases.[49] The only prices actually imposed in this way are those of petroleum products, the price of a baguette of bread, and the cost of religious pilgrimages to the Kingdom of Saudi Arabia. Prices approved by the State include those of pharmaceuticals (fixed profit margin), water and electricity rates (fixed) and postal services by *Niger Poste* (section 4.4.1). The price of telecommunications services has to be approved (section 4.4.1).

3.3.5 State trading, State-owned enterprises and privatization

3.51. Niger has not made any notification to the WTO on State trading within the meaning of Article XVII of the GATT. Nevertheless, in addition to the Niger Petroleum Products Company (SONIDEP), which still has a monopoly on the import of hydrocarbons (section 4.2.2), since August 2016 the new refinery Soraz has shared the exclusive right to export petroleum products with SONIDEP.

[46] Order No. 182/MAG/E2/DSPL of 20 October 2016 determining the list of plants, plant products and other regulated products subject to phytosanitary control and the criteria for their movement within Niger.
[47] Law No. 2015-24 of 11 May 2015 laying down the basic principles of consumer protection.
[48] Decree No. 2016-216/PRN/MC/PSP of 17 May 2016.
[49] Order No. 45/MDI/CAT/DCIC of 19 September 1995 determining the elements to be taken into account in calculating the lawful cost price of an imported good.

3.52. It was not possible to obtain the list of enterprises with State holdings such as those selling uranium on world markets (section 4.2.3).

3.3.6 Government procurement

3.53. The Regulatory Authority for Government Procurement (ARMP) has published a compendium of the basic texts regulating government procurement in Niger, the latest revisions of which date from 2016 and are available on its website.[50] The Government Procurement Code of 2016 covers procurement for amounts exceeding CFAF 10 million (around €15,250).[51] This applies to all purchases, except expenditure on water, electricity, telephony and transport, or that financed from special funds. Procurement financed by external partners is also subject to the Code if the clauses in the relevant financing agreements do not state otherwise. A price preference of up to 15% may be given to companies whose headquarters are within the WAEMU area.[52] The Directorate-General for the Control of Government Procurement (DGCMP) is responsible for a priori control of compliance with the rules in the Code. After receiving all the documentation, the ARMP carries out a posteriori control and settles any disputes. Niger has not notified its intention to sign or become an observer to the WTO Agreement on Government Procurement.

3.54. A subscription must be paid to the CCIN by any company wishing to respond to an invitation to bid for government procurement. The amount of the subscription is CFAF 100,000 (€152) for natural persons who are wholesalers or semi-wholesalers, CFAF 45,000 for retailers, CFAF 600,000 (€914) for public limited companies, and CFAF 300,000 for limited liability companies.

3.55. In view of the scarcity of its financial resources, the Government had endeavoured to introduce a framework for public-private partnerships (PPP), and this has become a key instrument for the promotion of private investment in Niger. It has led to several agreements, for example, those concerning the Niamey-Dosso railway, the purchase of 150 ambulances and the building of the Agadez-Arlit road. Since 2011, Niger has developed a legal and institutional framework for developing PPPs. An Ordinance dating from 2011 covers PPP contracts and is apparently being revised. A law on the taxation applicable to PPP contracts was adopted in 2014.[53] The 2016 Government Procurement Code contains regulations on public service concessions.

3.56. In 2012, a unit to support PPPs was set up in the Prime Minister's Office and is responsible for encouraging private investment; it does not appear to have a website.[54] The total volume of current investment is reportedly CFAF 1,270 billion (close to €2 billion). The new legislation on PPPs appears not to have been applied very transparently and has led to the award of direct contracts involving CFAF 300 billion (€457 million) in fiscal exemptions, violating the principles in the Government Procurement Code.[55]

3.3.7 Protection of intellectual property rights

3.57. Niger signed, but has not ratified, the Bangui Agreement, as revised in 2015. Its legislative framework for industrial property has, however, been harmonized with that of the other OAPI

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[50] Online information viewed at: http://www.armp-niger.org.

[51] Order No. 00270/CAB/PM/ARMP of 24 October 2007. Procurement below this threshold may be paid upon presentation of the invoice (on the basis of a list of reference prices drawn up by the Ministry of Finance).

[52] Article 36 of Ordinance No. 2002-7 of 18 September 2002, as amended by Ordinance No. 2008-06 of 21 February 2008.

[53] Law No. 2014-02 of 31 March 2014 establishing the fiscal, financial and accounting regime applicable to public-private partnership contracts. Viewed at: http://www.lesahel.org/index.php/component/k2/item/10324-assembl%C3%A9e-nationale--le-ministre-de-leconomie-et-des-finances-m-saidou-sidib%C3%A9-r%C3%A9pond-%C3 per centA0-une-interpellation-relativement-%C3 per centA0-des-contrats-d%C3%A9coulant-du-partenariat-public-priv%C3 per centA9. See also Ordinance No. 2011-07 of 16 September 2011 establishing the general regime for public-private partnership contracts.

[54] Online information viewed at: http://www.initiative-ppp-afrique.com/Afrique-zone-franc/Pays-de-la-zone-franc/Niger.

[55] Newspaper *Le Sahel*. Viewed at: http://www.lesahel.org/index.php/component/k2/item/10324-assembl%C3%A9e-nationale--le-ministre-de-leconomie-et-des-finances-m-saidou-sidib%C3%A9-r%C3%A9pond-%C3 per centA0-une-interpellation-relativement-%C3 per centA0-des-contrats-d%C3%A9coulant-du-partenariat-public-priv%C3 per centA9.

members (common report, section 3.3.4). Niger's National Liaison Structure is within the Ministry responsible for industry.

3.58. The National Copyright Bureau is responsible, *inter alia,* for the collective management of royalties in Niger.[56] The national regime for the protection of copyright, related rights and expressions of folklore[57] provides that a work is protected throughout the lifetime of its author plus 50 years after his death; protection of one year applies to performances (not fixed on a phonogram), 25 years for radio broadcasts and 50 years for phonograms.

[56] Law No. 95-019 of 8 December 1995.
[57] Ordinance No. 93-27 of 30 March 1993.

4 TRADE POLICIES BY SECTOR

4.1 Agriculture, livestock and related activities

4.1.1 Overview

4.1. Despite extremely arid growing conditions, Niger has identified several agri-food sectors as priority areas for export development. Around 20% of the active population are employed in the livestock sector alone, and this figure rises to 87% when livestock-raising crop farmers are included; the sector contributes 9% of GDP, while accounting for around 10% of total exports. Live cattle are the first item on Niger's list of agri-food exports and their main destination is Nigeria. Since 2014, cattle and meat products imported from Nigeria have become much less expensive, due to the sharp depreciations of the naira, and the trade flows have changed direction, the price of imported sheep, for example, having halved.

4.2. Exports of skins and hides seem promising, provided they are properly supported (section 4.1.2). Their reputation rests mainly on the excellent quality of the skin of the Maradi red goat. At present, most exports go to Nigeria, from which they are re-exported to Italy. In May 2017, there were two active tanneries, sharing the sector with the small-scale tanneries. The sector has been identified as a priority growth sector eligible for a Tier 2 project under the Enhanced Integrated Framework.[1] Exporting informally to Nigeria appears to be a major activity because of the heavy taxation of exports, despite the granting of tariff preferences within the framework of the ECOWAS/WAEMU free trade areas (section 4.1.2). In fact, even in the absence of customs duties, Niger's exporters still have to pay export tax and the advance on the ISB (section 3.2.1).

4.3. The main food crops are millet and sorghum, grown mainly by subsistence farmers, and rice, which is also marketed. The main export crops are cowpeas, groundnuts, sesame, dates, gum arabic, tiger nuts, and Galmi violet onion, for which a geographical indication is in process of being obtained.[2] Food products account for around one fifth of total annual imports, a share that has increased sharply since 2009 (Chart 1.3). These imports consist mainly of cereals, but also of edible oils, sugar and sugar confectionery, dairy products, especially powdered milk, and tobacco.

4.1.2 General agricultural policy

4.4. Largely thanks to the implementation, since the 1980s, of a National Disaster and Food Crisis Prevention and Management Framework[3], there has been no new food crisis in Niger since the previous review in 2009, despite a chronic cereals deficit estimated at 15% of needs in 2016 and made good mainly by food aid.

4.5. The National Food Crisis Prevention and Management Framework, in place since 1985 and managed by the Office of the Prime Minister, comprises an early warning system (EWS); a market information system; a national security reserve managed by the Niger Food Products Board (OPVN); an Emergency Food Security Fund (FSA); a Common Donor Fund; and a Food Security Investment Fund, a component of the "Niger Feeds Niger" Initiative launched in 2011.

4.6. The EWS is part of a regional environment for information exchange maintained by the Inter-State Committee on Drought Control in the Sahel (CILSS), supported by the FAO, the World Food Programme and the Famine Early Warning System (FEWS).[4] The EWS involves monitoring the growing season and any damage done by pests, evaluating harvests and fodder crops, and monitoring prices. Measures include the supply of inputs and cattle feed, and the establishment or rehabilitation of cereal banks and seed banks. Food is allocated to cereal bank stocks and food and cash are exchanged for labour (food for work, cash for work), while cereals have also been sold at reduced prices.

[1] See Enhanced Integrated Framework. Viewed at: http://fr_pt.enhancedif.org/fr/node/3078.
[2] Online information viewed at: http://www.reca-niger.org/IMG/pdf/Rapport_IG_versionRECA.pdf.
[3] Online information viewed at: http://www.dnpgcca.ne.
[4] Online information viewed at: http://www.fews.net/fr/global/food-assistance-outlook-brief/february-2017.

4.7. Since 1970, the OPVN has been responsible for marketing food products within the context of food crisis prevention and management; it imports food products in order to sell them at reduced prices. The OPVN is responsible for transferring food products from the areas in which there are surpluses to those in which there are shortages. If there is a surplus of certain food products, the OPVN may also make purchases to contain the fall in their market prices. It has a storage capacity of 154,000 tonnes.[5]

4.8. Thus, food security is at the heart of Niger's agricultural policy. Water management and the development of irrigation to reduce the dependence of agricultural production on weather conditions are two of its core components. According to the authorities, the rural sector receives between 20 and 25% of the State's annual operating budget (all sources of financing combined) and 14% of the investment budget, in particular. However, according to other sources, livestock, which accounts for nearly 22% of exports, only receives 1.7% of the national budget.

4.9. According to the authorities, there is no coordinated State programme for increasing agri-food production. However, "individual" crop farmers, livestock breeders and fishermen are exempt from annual profits tax. For the most part, they are also exempt from the business tax payable by enterprises subject to the real tax regime. Tax incentives for agri-food companies were available under the former Investment Code, but that appears to be no longer the case (section 2.4).

4.10. In normal times, State intervention under the agricultural policy is limited, at national level, to seed production and extension services for breeders. Each year, the Niger National Institute for Agricultural Research (INRAN), established in 1978 in partnership with the Centre for International Cooperation in Agricultural Research for Development (CIRAD), produces 30 to 40 tonnes of seed, which is made available to breeders at subsidized prices. The latter sell on the seed to producers.

4.11. INRAN includes Regional Centres; research stations and support units; and Regional Agricultural Research Committees (CORA). The CORAs include representatives of all the stakeholders (technical personnel, local leaders, NGOs, advisory services, etc.). They identify the problems faced by the producers (i.e. their needs) and establish research priorities accordingly. INRAN's research work involves a wide range of topics including irrigated and rain-fed crops, natural resource management, production systems and technology transfer, the improvement of livestock production, the processing and development of agricultural products, and the production of improved seeds. For these purposes the Institute operates a laboratory for analysing soils, plants and water; a food technology laboratory; and entomology and phytopathology laboratories.

4.12. In emergencies, the State may, by way of exception, suspend import duties and taxes in order to contain price rises; it may also set maximum prices for basic agricultural products.[6]

4.13. The laws in force in the various agri-food subsectors have not changed since 2009 and some of the implementing texts are still lacking. In 2010, a law relating to pastoralism and transhumance was passed, together with four implementing decrees, in order better to manage the conflicts between nomadic and transhumant livestock raising and the sedentary production systems. In general, fair access to land, water and pasturage resources is a central concern of Niger's agricultural policy. The main legislation includes:

- the Rural Code of 1993[7], which regulates access to land, the land tenure regime, and the conditions relating to crop farming, fishing, livestock breeding and forestry;
- the Fisheries Code[8];
- the Framework Law on livestock breeding[9] and the Pastoralism Ordinance[10]; and

[5] Niger Food Products Board. Viewed at: http://www.opvn.org.

[6] Article 3 of Ordinance No. 92-025 of 17 July 1992 states that the maximum prices may be set by order of the Minister responsible for trade.

[7] Ordinance No. 93-015 of 2 March 1993 establishing the guiding principles of the Rural Code. Viewed at: http://www.coderural-niger.net/spip.php?article4http://www.coderural-niger.net/IMG/pdf/01-_Ord_No93-015_portant_Principes_d_Orientation_du_Code_Rural.pdf.

[8] Law No. 98-042 of 7 December 2007 on the fisheries regime, not available on the Internet.

- the Forestry Law.[11]

4.14. The Ministries responsible for agricultural development, animal resources (livestock and fisheries), water engineering, the environment and combating desertification deal with the main agri-food-related policies and services.

4.15. In order properly to understand the extent of the constraints on the sector's exporters, it is important to bear in mind that they are for the most part individual enterprises operating mainly informally, with meagre financial resources (averaging €27 per month, Table 1.1) and very limited training (averaging 1.4 years of study).

4.16. The livestock subsector is among those selected by both WAEMU and ECOWAS as a vehicle for the intensification of trade among members. These two bodies advocate the development of agricultural exports to nearby markets and the further specialization of the member States in the priority subsectors (rice, cattle/meat, poultry, maize and cotton); Niger is especially concerned with the cattle subsector.

4.17. Apart from the ban on the exporting (and domestic slaughtering) of breeding females of all breeds, in 2016 Niger issued an urgent order forbidding the export of asses, as exports were putting the species at risk of extinction (the price of donkeys had almost quintupled, from CFAF 30,000 to CFAF 150,000[12]); however, according to the authorities, this order is not being applied.

4.18. Exports of agri-food products (including live animals) are subject to a 3% statistical export charge (RSE) levied on the "taxable unit values", contrary to community provisions. Such measures tend to encourage exporters to carry out their operations through informal trade channels in order to escape this tax, and then export from countries where there is no such tax.

4.19. The animals exported must be provided with an international health certificate (CFAF 500 per head) made out by Niger's official veterinary services, attesting to their state of health. Likewise, the inspection of food derived from animals gives rise to a veterinary control tax at export. The annual cost of these services is estimated at CFAF 300 million (€457,000).

4.20. The Central Livestock Laboratory (LABOCEL) produces seven types of vaccine, of which three are issued free to breeders, while the rest are made available to them at subsidized prices.

4.21. Exports of livestock products consist essentially of live animals, partly because Nigeria prohibits meat imports. Niger is experiencing difficulties in conforming with the foreign regulations applicable to its exports of agricultural and especially animal products. There are four active abattoirs in Niger, but they do not meet international standards. In addition, there is an internal administrative complication connected with the requirement to be approved as a cattle dealer or butcher by the Ministry responsible for trade, on the advice of the Ministry responsible for animal resources[13], in order to be able to export cattle or meat. Similar requirements apply to the export of skins and hides.[14]

4.2 Energy, mining products and water

4.2.1 Overview

4.22. Niger is rich in major, but largely underexploited, mineral deposits. At present, only uranium is being widely exploited on an industrial scale and making a substantial contribution to

[9] Law No. 2004-048 of 30 June 2004 containing the framework law on livestock breeding. Viewed at: http://www.hubrural.org/IMG/pdf/niger_loi_cadre_elevage.pdf.

[10] Ordinance No. 2010-029 of 20 May 2010 relating to pastoralism.

[11] Law No. 2004-040 of 8 June 2004 establishing the forestry regime in Niger. Viewed at: http://www.coderural-niger.net/IMG/pdf/09-_Loi_No2004-040_portant_regime_forestier_en_Republique_du_Niger.pdf.

[12] Radio RFI, 13 September 2016. Viewed at: http://www.rfi.fr/emission/20160913-niger-interdiction-exporter-anes.

[13] Ordinance No. 86-16 of 3 April 1986.

[14] Ordinance No. 86-15 of 3 April 1986.

exports, albeit a much smaller one to tax receipts, accompanied since 2011 by a modest level of petroleum production (section 4.2.2). The importation and storage of petroleum products remains a monopoly with administered prices. Likewise, the new 2016 Electricity Code still requires production to be sold to the State-owned company, which continues to hold a monopoly on transport and distribution, at prices fixed by decree (section 4.2.4). Renewables currently account for less than 1% of end energy consumption. As well as immense reserves of coal, the country also has gold deposits, with panning for gold posing social and environmental problems.

4.23. Mining exploration is open to foreign presence. Since 2011, Niger has been conforming with the Extractive Industries Transparency Initiative (ITIE).[15] However, overall, according to the Fraser Institute, Niger rates relatively badly in terms of the attractiveness of its mining regulations.[16] The Court of Auditors has published a survey of mining, petroleum and gas revenue for the year 2010.[17]

4.24. To encourage investment in the sector, a 2008 law grants exemptions from indirect taxation (import duties and taxes and VAT, but not RS, PC, or PCS, see common report, section 3.1.7). The extent of the exemptions increases with the scale of the investment. All the mining subsectors are eligible, no matter whether it be a question of new projects or project extensions, diversification or the modernization of existing mining operations, provided that at least CFAF 300 billion (around €460 million) net of tax is invested and at least 800 permanent jobs for Niger nationals are created.[18] A decree establishes the procedures for implementing the law, including the application for approval procedure and the conditions for granting approval; the tax and customs provisions affecting the beneficiaries; and the sanctions applicable.

4.25. In order to invest, foreign companies must set up a stable establishment in Niger for the purpose of carrying out prospecting operations and a company constituted under Niger law for carrying out exploration, exploitation and transport operations. In all mining and petroleum investment projects the State reserves the right to a free 10% share of the equity capital, plus an additional payable 10%, which it notifies to the contractor. Some companies are still governed by the former provisions, which fixed the State participation at 30%. In general, the main mining (and petroleum) taxes are determined by the Finance Law; they include the annual area royalty, the mining royalty and the fixed fees.[19]

4.26. The Ministry responsible for energy, mines, petroleum and industry has been split up into four separate ministries (energy, mines, petroleum, and industry). These ministries do not have a functioning website.

4.2.2 Hydrocarbons

4.2.2.1 Crude oil and gas production

4.27. Niger began exploiting crude oil in November 2011. Since the signature in June 2008 of a production-sharing contract (PSC) which gave the group China National Petroleum Company (CNPC) an exclusive authorization to explore the Agadem block for a renewable period of four years under the 2007 Petroleum Code (Box 4.1), a company incorporated in Niger, a subsidiary of the CNPC group, has had the exclusive authorization to produce crude oil from the Agadem block, all for processing by the Zinder (Soraz) refinery; all the crude refined by Soraz is supplied by the Agadem block. In 2015, production declined as a result of a technical problem and major maintenance operations.

[15] Online information from the Extractive Industries Transparency Initiative, viewed at: http://www.itieniger.ne/index.php/en.

[16] Fraser Institute, *Annual Survey of Mining Companies 2015*. Viewed at: https://www.fraserinstitute.org/studies/annual-survey-of-mining-companies-2015.

[17] Online information viewed at: http://www.wgei.org/wp-content/uploads/2015/09/CRMPG_2010.pdf.

[18] Law No. 2008-30 of 3 July 2008 granting concessions for investments in large mining projects. Viewed at: http://www.droit-afrique.com/upload/doc/niger/Niger-Loi-2008-30-investissements-miniers.pdf.

[19] Articles 146 and 95 of the Petroleum and Mining Codes, respectively.

Box 4.1 Petroleum legislation in Niger

The 2007 Petroleum Code provides for the possibility of concluding production-sharing contracts (PSC) and concession contracts (CC), depending on the negotiations between the State and the investor. Under a PSC, hydrocarbon production is shared between the State and the contractor, which receives a share of the total production, net of *ad valorem* royalty. The *ad valorem* royalty rate is negotiated; it ranges between 12.5% and 15% of net production for crude oil and between 2.5% and 5% for natural gas. The State's share depends on the profitability of the operations, with a floor at 40%. There is a 70% ceiling on the maximum percentage of total hydrocarbon production from an exploitation, net of *ad valorem* royalty, that can be allocated to repaying investment or exploitation costs in a given tax year.

Under the Code (Article 123), numerous tax (including customs) concessions are granted to the contractor and extended to his subcontractors, suppliers and employees. During the exploration period, the exemptions relate to VAT, the ISB, the minimum flat-rate tax or its equivalent, the apprenticeship tax, business tax, property tax, and the registration fees charged on contributions made when company capital is first subscribed or increased. The customs concessions include total exemption from import duties and taxes on goods and equipment with the exception of the RS, the PC and the PCS. A temporary admission procedure applies to goods imported and used for exploration purposes.

During the exploitation period, total exemption from import duties and taxes on goods and equipment, with the exception of the RS, the PC and the PCS, is granted for five years. Starting from the sixth year, the ordinary law regime applies. The share of the hydrocarbons that goes to the contractor under his petroleum contract can be exported free of all export duties.

The ISB is not collected under a PSC; under a CC, the ISB ranges from 45 to 60%, depending on the rate of return (Article 114). The legal and fiscal regime of the PSC is stabilized during the term of the contract (Article 159).

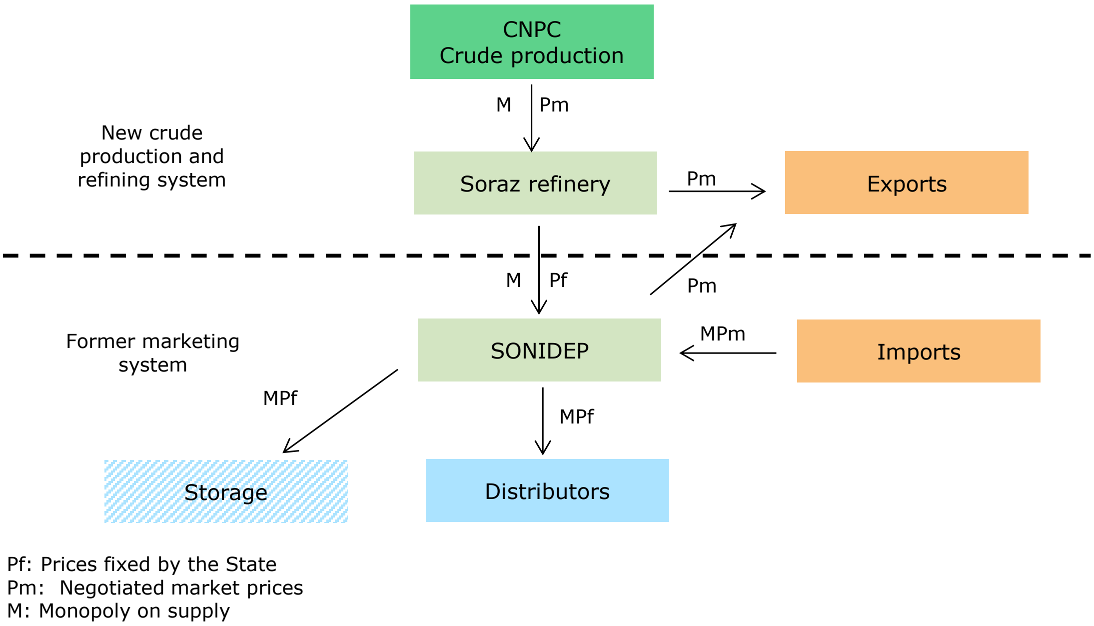
Moreover, under a PSC or a CC the contractor is required to supply the domestic market if the State is unable to satisfy domestic consumption requirements from its share of the crude oil produced. The price at which a barrel is sold to the State is the ex-oilfield market price in effect on the date of sale.

Source: 2007 Petroleum Code.

4.2.2.2 Petroleum and gas products

4.28. Niger's new petroleum policy is aimed at meeting domestic needs before exporting. In Niger's new petroleum configuration, the Niger Petroleum Products Company (SONIDEP) still holds a monopoly on the importation, local sales, exportation and storage of a range of products, excluding butane gas (Chart 4.1). However, since 2016, SONIDEP's export monopoly has been shared with Soraz, which exports its surplus production (after meeting the needs of the domestic market).

Chart 4.1 Niger petroleum products market, 2017



Source: WTO Secretariat.

4.29. In practice, it is the private enterprises that import and export the quantities authorized by the Government. In 2016, there were 69 approved companies exporting petroleum products, of which 17 were established in Niger and 52 were foreign, while 18 enterprises imported hydrocarbons with State approval. Soraz's nominal capacity is 20,000 barrels per day. The quantities of crude extracted and supplied since production began are close to 17,000 barrels per day. The main refinery products are petrol, gas oil and LPG. Around 50% of the refinery products are exported, in particular to Nigeria, Burkina Faso and Mali.

4.30. The contract for the marketing of crude oil by Soraz provided for a price based on the international market price. However, the price of crude sold by Soraz was fixed at US$70 per barrel from November 2011 to March 2015, despite the fall in the price of the barrel since 2014. The selling price for crude was revised downward and fixed at US$45 per barrel in February 2017. This fixed price policy has been partly responsible for Soraz's financial difficulties. In 2016, in order to improve its position, Soraz was authorized to export a substantial proportion of its production at market prices and without going through SONIDEP, and then to increase the prices at which it was selling to SONIDEP. However, the State wants to keep the prices at the pump fixed. Thus the price of super (inclusive of tax) was maintained at CFAF 579 (€0.88) per litre from 2011 to 2013, then at CFAF 540 per litre, the level at which it stood in May 2017, which is lower than the levels found in the subregion.

4.31. SONIDEP supplies petroleum products to Niger's main distributors, in particular Tamoil, Mobil and Total. The distribution margins are fixed by the State.

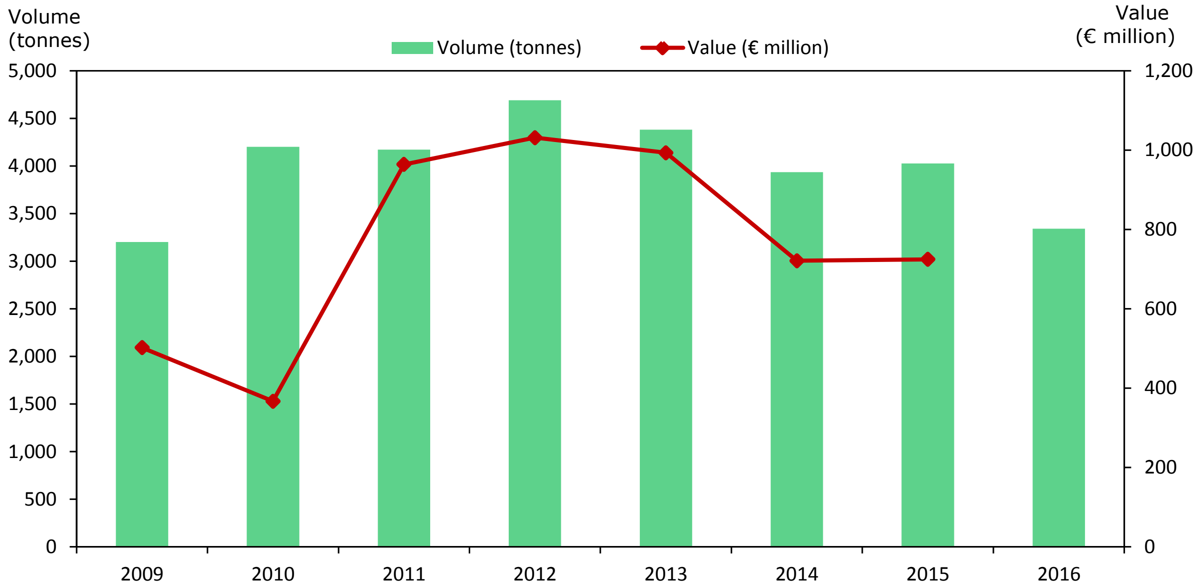
4.32. SONIDEP's monopoly does not extend to butane gas. The gas can be freely imported, stored, distributed and transported. The Niger Hydrocarbons Company (SONIHY) and the Niger gas companies Niger Gaz and Soni Gaz are the three distributors which import, bottle and distribute butane gas. The price of a 12-kg cylinder is fixed at CFAF 3,750, but it appears that cylinders are traded at much higher prices on the markets. The justification for the subsidy is the implementation of a policy of combating deforestation.

4.2.3 Uranium and other principal mining products

4.33. Niger is one of the world's five main uranium producers. Domestic production increased from 2009 to 2012, then declined in 2013 and 2014 following an attack on installations of the *Société des mines de l'Aïr* (SOMAÏR, 36.6% of which is held by the State and the rest by

Areva France), the main producing company (Chart 4.2).[20] The other companies mining uranium are *Compagnie minière d'Akouta* (COMINAK[21]) and *Société des mines d'Azélik* (SOMINA[22]). The latter, which had begun producing in December 2011, stopped producing in December 2014 because of the fall in the price of uranium after 2012, which had made it less profitable. A new company – Imouraren – has been formed, with the State holding about one third of the shares and the company Areva France the rest. This mine, the largest in Africa and the second in the world with 200,000 tonnes of uranium exploitable over 40 years, should have been brought into production in 2011 but had not yet begun producing in March 2017.

Chart 4.2 Trend in uranium exports, 2009-2016



Source: The export data are based on HS 261210, information provided by the authorities and data from the UNSD Comtrade database.

4.34. The French company Areva enjoyed a *de facto* monopoly on exports of uranium produced by COMINAK and SOMAÏR until the beginning of 2009 when the State began selling uranium directly on world markets to take advantage of a selling price higher than that agreed with Areva. In 2016, there was a dispute between the Niger Government and Areva concerning the renewal of the exploitation contract, Niger wanting to renew it on the basis of the 2006 Mining Law and its new tax regime, whereas Areva wanted to benefit from prior rights enabling it to retain its advantages under the previous tax legislation.[23]

4.35. Small-scale gold mining is important, but anarchical, although in principle the authorized areas are regulated.[24] This informal mining provides a livelihood for around 50,000 people working under conditions of serious pollution and risk. Production halved between 2009 and 2015 (877 kg), for an export value of nearly €30 million. The *Société des mines du Liptako*, 25% of which is held by the State through the *Société du patrimoine des mines du Niger* (SOPAMIN), is the only active industrial exploiter. With responsibility for the exportation of precious metals produced in the country, the Niger Gold and Precious Metals Office (COMPN) is tasked by SOPAMIN with providing marketing services for gold from small-scale mines.

4.36. The authorities have indicated that the Salka Damna coal deposit, whose reserves are estimated at 52 million tonnes, is the ideal site for a mining complex comprising a thermal power station and a carbonization plant that could produce up to 600 MW of electricity, with a 200 MW

[20] Online information viewed at: http://www.areva.com.
[21] The shareholders are: State, 31%; Areva France, 34%; OURD Japan, 25%; and ENUSA Spain, 10%.
[22] The shareholders are: State, 33%; SINO-U China, 37.2%; ZX Joy Invest China, 24.8%; and Trendfield Niger, 5%.
[23] Razack, A., *Propositions pour l'optimisation de la mine artisanale au Niger*, HAL-INSU. Viewed at: http://www.afrik.com/niger-2-ans-de-petrole-ont-rapporte-davantage-que-40-ans-d-uranium#WJKKusv9gQXJSHP2.99.
[24] Online information viewed at: https://hal-insu.archives-ouvertes.fr/insu-00947881/document.

initial production phase for which investors are being sought. At present, only the Niger Coal Company (SONICHAR), which is 69.32% State-owned, is producing carbonized coal and generating electricity for SOMAÏR and COMINAK from the Anou Araren mine.

4.37. During the review period, the Government re-examined the application of the tax provisions of the Mining Code, in particular the numerous exemptions in the uranium subsector, with a view to increasing tax revenue. The holders of exploitation permits benefit from numerous tax and customs concessions, granted by the Code (Article 82 et seq.) or by the law on large-scale mining projects, which considerably reduce the related tax receipts. However, under the 2006 Mining Code, the exemption from profits tax (ISB) should, in principle, have ended three years after the start of production; as for the exemptions from VAT, they should have ended one year after the start of production. The mining companies are exempt from, in particular, the 3% statistical export charge (RSE, section 3.2). Niger's Mining Code was revised in August 2006, and in 2014 Niger's parliament adopted two draft laws amending it.

4.38. The 2006 Mining Code provides for a maximum of 40% State participation in the capital of exploitation companies, together with 10% of free shares. SOPAMIN manages the shares held in various mining companies by the State.

4.39. The Code provides for the payment of a mining royalty based on the market value of the product extracted, paid when the product is taken out of stock with a view to being sold. The royalty rate is progressive, depending on the ratio of gross profits (before investments, provisions, etc.) to turnover. The higher this ratio, the higher the rate, over a range extending from 5.5% to 12%.[25]

4.40. Small-scale mining is covered by the 2006 Mining Code. In principle, the small-scale mining authorization is issued to natural or legal persons by order of the Minister responsible for mines. These operators are generally the ones who "finance" the small-scale miners. The latter, who contribute their labour, are in principle required to obtain an individual card valid for one year, authorizing their activities for their own account or for that of an operator. The marketable products are sold to the traders generally present on the site.

4.2.4 Electricity

4.41. In May 2016, a new Electricity Code replaced that of 2003, in particular in order to take renewables more fully into account. This new Code, like the previous one, provides for the possibility of independent electricity generation but with the requirement to sell any surpluses to the Niger Electricity Company (NIGELEC), a State-owned company which still holds a monopoly on transport and distribution.

4.42. The seven implementing decrees for this new Code should clarify the scope of the monopolies granted to NIGELEC, in particular with regard to the electricity production, distribution, import and export segments. Almost 95% of NIGELEC's capital is held by the State; its plant is dilapidated and unsuitable. Between 2010 and 2012 the population's effective rate of access to electricity rose slightly from 8.6% to 8.7% (0.3% in rural areas).[26] In 2016, the rate was 10% and 0.6% in rural areas.

4.43. Electricity tariffs are still fixed by decree in terms of power. At present, the main deterrent to investment in electricity production, apart from the security risks, is the fact that electricity prices are fixed at levels among the lowest in the subregion. These low levels reflect the feeble purchasing power of the population but, together with the bad management of the transport and distribution company, they also considerably reduce the return on projects.

4.44. In May 2017, a Regulatory Authority for the Energy Sector (ARSE), introduced in 2015, was in the process of being installed.[27] There is no website that provides information about these developments or about the projects for developing energy, for example, renewables. However,

[25] Ordinance No. 93-16 of 2 March 1993 (Mining Code), as amended by Law No. 2006-26 of 9 August 2006.

[26] Statistical Directorate of the Ministry of Energy.

[27] Law No. 2015-58 on the establishment, mission, organization and functioning of an independent administrative authority to be known as the Regulatory Authority for the Energy Sector.

according to some observers, the ARSE's independence and autonomy need strengthening.[28] As stressed in a study that appeared in July 2016, the size of NIGELEC's financial deficit, the frequency of power cuts and the poor coverage of the power network suggest that the monopoly and exclusivity have failed to ensure a reliable power supply and high-quality services for the customers and that Niger should instead be concentrating on broadening the range of players participating in certain segments (transport, distribution, marketing) and making the regulation of the sector more independent.

4.45. According to the authorities, in the long term, the bringing into service of the much awaited Kandadji dam and a hydro-electric power station, planned for 2021, should further secure the country's supply with 130 MW of electricity. There are also plans to build five photovoltaic solar power stations, each providing from 5 MW to 30 MW. In 2016, the whole of national electricity production was thermally generated, mainly from coal mined by SONICHAR (section 4.2.3) or from gas oil. SONICHAR, which is treated as an independent producer, generates electricity in the north of the country and sells it directly to the mining companies; it also sells some to NIGELEC, which distributes it in the cities of Agadez, Arlit, Akokan and Tchirozérine. In the rest of the territory, power is generated and distributed exclusively by NIGELEC.

4.46. As the domestic production of SONICHAR and NIGELEC is not sufficient to cover domestic demand, 60% of the electricity distributed by NIGELEC comes from Nigeria; the price paid is understood to be CFAF 25 per kWh, as compared with a minimum resale price of CFAF 79 per kWh.

4.2.5 Water

4.47. Improving access to drinking water and the water needed for agricultural and pastoral activities is an absolute priority for the Government, which adopted a new Water Code in 2010.[29] The institutional framework for water management consists of the central government, the local and regional authorities, the National Water and Sanitation Commission (CNEA), regional water and sanitation commissions, and water management commissions and units, whose common task is to manage the water engineering infrastructure and water and sanitation policy.

4.48. Concessions to use water and operate water engineering works and installations may be granted to private-law corporations, generally by decree. The State remains the owner of the water resources through the *Société de patrimoine des eaux du Niger* (SPEN), established in 2001 with responsibility for managing State water engineering assets in urban and semi-urban areas, their development and acting as the contracting authority.[30]

4.49. The State, the SPEN and the *Société d'exploitation des eaux du Niger* (SEEN) are linked, since November 2011 and up until 2021, by a rider to the original ten-year leasing contract.[31] The SEEN is a public limited company 51%-owned by the French group Veolia and responsible for the production, transport and distribution of water in urban and semi-urban areas, as well as for other tasks linked with the operation of the infrastructure and equipment. A 2011 study by the French Development Agency, which provides Niger with support in the area of access to drinking water[32], raised the question of water losses from the SEEN network, which are partly attributable to its dilapidated condition. The study also notes certain outstandings, particularly at public service level and generally associated with waste. The establishment of the National Water and Sanitation Fund

[28] Republic of the Niger, Ministry of Energy and Petroleum, *Projet d'intégration de la réduction des émissions de gaz à effet de serre dans le Programme rural d'accès aux services énergétiques du Niger*, Report of the international institutional support mission. Viewed at: https://erc.undp.org.

[29] Ordinance No. 2010-09 of 1 April 2010 containing the Niger Water Code. Viewed at: http://www.pseau.org/outils/ouvrages/mhe_code_eau_niger_2010.pdf.

[30] Online information viewed at: http://www.spen.ne/index.php/societe/presentation.

[31] Online information from the SEEN, viewed at: http://www.seen-niger.com/fr/qui-sommes-nous/seen/contrat-d-affermage. See also Tidjani Alou, M. (2005), *Le Partenariat public-privé dans le secteur de l'eau au Niger: autopsie d'une réforme*, Swiss Development Policy Yearbook, Vol. 24, 2005. Viewed at: https://aspd.revues.org/360.

[32] Online information viewed at: http://www.afd.fr/home/pays/afrique/geo-afr/portail-niger/nos-projets/eau-et-assainissement-2.

should make it possible to limit illegal diversion of supplies and pollution, and to raise funds for preserving the resource.[33]

4.50. According to the SEEN, it produces 200,000 m^3 of drinking water per day in 54 localities and serves more than 2,500,000 people out of a total population of 20 million. The rate of coverage of water requirements in the SEEN's leased area – composed of 52 centres – rose from 85% in 2005 to 90% in 2015.

4.51. The single national sales tariff is fixed by government decree on the basis of the quantity consumed[34]; social rates, plus three supplementary rates for administration, industry and drinking fountains, have been retained. There are 70,000 customers of the distribution service, either individuals or water kiosks managed by "*fontainiers*", who are authorized to resell to users.

4.52. In May 2017, the regulation of the sector, which had been the responsibility of the Multisectoral Regulatory Authority (ARM, dissolved in 2012), was being provided by a regulatory office for urban and semi-urban water engineering responsible for overseeing price regulation and service quality control.

4.3 Manufacturing and craft sector

4.53. For all the reasons mentioned above, in particular the lack of water, which makes it difficult to obtain sufficient local raw materials to process into finished products, and the lack of electricity, manufacturing activities are limited to soap and detergent production, bottling, oilseed processing, rice hulling, cotton ginning, cattle products, a few PVC pipes, foam mattresses and, more especially, tanned hides. Almost all the tanned hides are exported to Italy.

4.54. The sector is mainly protected by community-level measures. In 2017, the protection provided for the manufacturing sector by the ECOWAS CET is averaging 12.4% (common report, section 3.1.4), to which must be added all the other duties and taxes (VAT, advance on the ISB, etc.), which makes imported manufactured products considerably more expensive for the consumer, often in the absence of any domestic production.

4.55. Against this background, the richness of Niger's craft industry is quite remarkable. The craft enterprises are generally informal and involve traditional activities, such as making wooden furniture, leatherworking (sandals, shoes and belts), garment making and associated trades. Craft activities are an essential component of Niger's private sector. The place of manufacture is also generally the point of sale for small enterprises and artisans active in the same sector. Since 2012, Niger has had a Chamber of Craft Trades.[35]

4.56. Among the companies that produce lint, China–Niger United Cotton Industry (CNUCI) has suspended its business activities; the Niger Cotton Company (SNC) is understood to be still in business.[36] The producers can sell their seed cotton to the cotton companies; they can also export it (informally) to neighbouring countries (primarily Nigeria), if the prices available on the domestic market are too low. The sole textile enterprise SOTEX, which replaced the Niger Textile Company (ENITEX), produces cotton textiles from locally produced fibre.

4.57. Special import procedures apply to medicines and pharmaceutical products. Seven enterprises are registered with the Ministry of Health for the purpose of trading in these products.

[33] Online information viewed at: http://www.pseau.org/sites/default/files/fichiers/niger/rencontre_niger_2016_cr_vf_0.pdf.

[34] From 0 to 10 m^3: 127 CFAF/m^3; from 11 to 40 m^3: 321 CFAF/m^3; and more than 40 m^3: 515 CFAF/m^3.

[35] Law No. 2012-33 of 5 June 2012 establishing the Niger Chamber of Craft Trades.

[36] See Chamber of Commerce and Industry (CCI) (2003), *Niger, Expansion du commerce intra- et inter-régional entre les pays de la CEMAC et de l'UEMOA - Étude de l'offre et de la demande sur les textiles et l'habillement*. Viewed at: http://www.intracen.org/uploadedFiles/intracen.org/Content/Exporters/Sectoral_Information/Manufactured_Goods/Textiles/Niger_2003.pdf.

4.4 Services

4.58. In 2014, services formed the subject of a regulatory audit carried out on behalf of the Ministry responsible for trade. The audit contains a review of Niger's specific commitments under the General Agreement on Trade in Services (GATS) of 1994 which include: hotel and restaurant services, travel agencies, tour operator services, tourist guide services, and certain transport services.[37,38] To a large extent, the services sector, the main contributor to GDP, consists of informal structures. The concentration of activities in trade once again underlines the important contribution that any Aid for Trade can make to poverty reduction.

4.4.1 Telecommunications and postal services

4.59. The main regulations governing the supply of telecommunication services were amended in 2010.[39] The Regulatory Authority for Telecommunications and Postal Services (ARTP) was established in 2012 following the dissolution of the ARM, by Law No. 2012-70 of 31 December 2012 on the establishment, organization and functioning of the ARTP, which incorporates the WAEMU and the ECOWAS provisions (common report, section 4.4.1). The National Council for the Regulation of Telecommunications and Postal Services is its deliberating body and its annual progress report is submitted to the Prime Minister and published on its website.

4.60. The market which, though small, is very dynamic (Table 4.1), comprises:

- a global operator (fixed and mobile): Orange Niger (about 28% of mobile sector turnover in 2016, and 85% of fixed turnover);
- a public fixed operator: the Niger Telecommunications Company (SONITEL, 15% of fixed turnover); SONITEL's monopoly on fixed services ended de jure on 31 December 2004;
- three exclusively mobile operators: Atlantique Telecom Niger (12% at the end of 2015), Celtel Niger (54%), and Telecom Niger (formerly Sahelcom, 5% of mobile turnover), a 90% State-owned company with 130 employees spread over 16 agencies in Niamey and in the interior of the country, which in May 2017 was experiencing major difficulties due to lack of investment since 2007.

4.61. Specifications adopted by the ARTP define the operating conditions for each operator, the interconnection obligation, and the catalogues of technical interconnection offers. The ARTP is responsible for ensuring compliance with the legislation in force within a context of free competition. Its powers relate to tariffs, the mutualization of the infrastructure, the territorial coverage and the optimization of State revenue. According to the ARTP, a distinct improvement in the quality of the service since 2015 is a consequence of the controls it is applying.

4.62. Operators in a dominant position (with more than 25% of a given market) are required to submit their technical offers for approval by the ARTP, together with their retail tariffs. The LRAIC[40] model is employed to determine the call termination rate on the various networks (both fixed and mobile).[41] The tariffs must be cost-based. Tariff and quality controls may be carried out by the ARTP on all networks. Consumers may also refer matters to the ARTP.

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[37] Ministry of Trade and Private Sector Promotion (2014), *Audit réglementaire des services et préparation des listes d'engagements spécifiques du Niger*, carried out by Maliki Barhouni, Niamey, February 2014.

[38] WTO document GATS/SC/64 of 15 April 1994, I-TIP database. Viewed at: http://i-tip.wto.org/services/default.aspx.

[39] Ordinance No. 99-045 of 26 October 1999 on the regulation of telecommunications in Niger, as amended in 2010, 2014 and 2015. Viewed at: http://www.armniger.org/images/stories/telecom/textes/ordonnance2010.pdf.

[40] Long-run average incremental cost. Viewed at: https://www.itu.int/ITU-D/finance/work-cost-tariffs/events/tariff-seminars/Dakar-09/pdf/Jour_4/Manuel_d_utilisation.pdf.

[41] Decree No. 2000-399/PRN/MC of 20 October 2000.

Table 4.1 Telecommunication services indicators, 2009-2015

	2009	2010	2011	2012	2013	2014	2015
Fixed telephone lines (1,000)	76.3	83.4	85.4	100.5	100.5	105.3	110.0
per 100 people	0.50	0.52	0.52	0.59	0.56	0.57	0.57
Mobile telephony subscribers (1,000)	2,599	3,669	4,743	5,396	7,006	8,236	8,959
per 100 people	16.98	23.08	28.72	31.45	39.29	44.44	46.50
Fixed high-speed Internet subscribers	1,000	1,500	2,114	3,669	6,400	9,200	11,000
per 100 people	0.01	0.01	0.01	0.02	0.04	0.05	0.06
Internet users (per 100 people)	0.76	0.83	1.30	1.41	1.70	1.95	2.22
Trade							
ICT goods exports (% total goods exports)	0.2	0.3	0.3	0.2	0.4	0.4	n.a.
ICT goods imports (% total goods imports)	4.5	1.9	3.7	2.3	2.7	2.9	n.a.

n.a. Not available.

Source: World Bank World Development Indicators Databank. Viewed at: http://databank.worldbank.org/data/reports.aspx?source=World%20Development%20Indicators.

4.63. The sector is subject to the Investment Code. Companies established under the former Code must conform with the new one when they renew their licences and thus become subject to the ISB. Licences are generally issued for 15 years, by decree, and on the basis of invitations to tender; infrastructure operator licences are issued upon application.

4.64. Similarly, suppliers of Internet services are approved, upon application, by the ARTP. Four Internet service providers were operational in March 2017. Access to the SAT-3 submarine cable via Benin, Burkina Faso or Côte d'Ivoire is the exclusive prerogative of Niger Telecom. The bandwidth operating cost is high since the Internet service providers must purchase access from Niger Telecom or from Orange Niger and the competition is limited. In this connection, there are two ECOWAS regulations concerning the landing points aimed at lowering prices. In May 2017, Internet access quality was not good.

4.65. To finance the universal service, there is provision for a 4% tax on the turnover of telecommunication enterprises (1% for infrastructure providers, 0.5% for maintenance companies), but it is not yet being collected.

4.66. The Law of June 2005 restructuring postal services was amended in 2011.[42] Under this law, Niger Poste is responsible for managing the postal services relating to the universal service, with a monopoly, in principle, on items weighing less than 1 kg, whatever the destination. Several private operators have obtained licences to provide express mail services (for example, DHL).

4.4.2 Transport

4.67. In 2017, Niger was in the process of acquiring a new railway. The PPP Concession Agreement, signed in 2015, provides for the rehabilitation, construction and operation of the Niamey-Cotonou railway line. More than 143 km of track has already been laid between Niamey and Dosso and eventually should link Niger with the sea via Benin once the Parakou Dosso stretch has been built, which could do much to boost economic and social development and stimulate competition in the transport market.

4.68. The transport sector is also affected by the recent revision of the Investment Code (section 2.4), with, in particular, the institution of an exemption regime. There is a zero rate of VAT for international transport services, including international road and air transport services, the provisioning of aircraft flying to foreign destinations, and the sale, repair, conversion and maintenance of aircraft for which foreign-destination services account for at least 50% of the total. These measures are aimed at encouraging investment.

4.4.2.1 Road transport

4.69. The conditions under which goods and passenger road transport services are provided are often anarchical, with no transport licence, no registration or proper technical inspection, and with vehicles that are often worn out. The volume of imports carried by truck regularly exceeds the

[42] Law No. 2011-19 of 8 August 2011 amending and supplementing Law No. 2005-20 of 28 June 2005 determining the basic principles of the postal regime.

volume of exports, creating an imbalance which increases transport costs, with trucks travelling to the ports empty or half-full. The Niger National Transport Company has gone bankrupt.

4.70. In 2009, the Government adopted a framework law aimed at modernizing the transport regulations and opening up the road transport market, with a view to enhancing the professionalism of the carriers, establishing free competition and improving the business climate. Faced with the persistence of roadblocks and other informal practices along the "corridors" providing access to the seaports of Benin, Côte d'Ivoire, Togo, Ghana, and Nigeria, practices generally aimed at extracting money from the carriers, the Government undertook to eliminate all unofficial checks on Niger's road network. This task is part of the mission of the Transport Facilitation Committee. The National Transport Users Council (CNUT), an industrial and commercial public institution under the Ministry responsible for transport, is also charged with protecting the interests of public transport users.

4.71. In principle, registration is required in order to obtain the transport qualification necessary to provide road transport services. The relevant laws and regulations are obsolete and would need to be modernized or repealed (Table 4.2). Moreover, the legislation in force should be published on the Internet so that potential investors are kept informed of the conditions of access to the market.

Table 4.2 Selection of the road transport legislation in force in Niger, 2017

Text	Subject	Available on Internet
Decree No. 65/118/MTP-MU of 18 August 1965	Market access	No
Order No. 09/MT/DTT-MF of 13 February 2007 establishing the procedures for the removal of freight from Niger in the transit ports	"Each in turn" system	No
Ordinance No. 2009-025 of 3 November 2009 determining the basic principles of the transport regime	Framework law	No
Decree No. 2010-733/PCSRD/MTT/A of 4 November 2010 determining the conditions for overland transport of strategic products and the conditions of access to mining and hydrocarbon sites	Hydrocarbon transport	No
Decree No. 2012-047/PRN/MT of 27 January 2012	Hydrocarbon transport	No
Interministerial Order No. MC/PSP/MF/MT/MDN/MI/SP/D/AR of 27 February 2013 relating to types of road check, checkpoints and recourse mechanisms for minimizing abuses affecting the transport of goods in Niger	Illicit roadblocks	No
Interministerial Order No. 090-MC/PSP/MI/SP/D/AC/R/MT/MDN/MF/ME/SU/DD of 22 December 2014 relating to the public transport of goods, types of road check, checkpoints and recourse mechanisms for minimizing abnormal practices affecting the transport of goods in Niger	Abnormal practices	No

Source: WTO Secretariat, on the basis of information provided by the authorities.

4.72. The new Law of 2009 envisages free competition and an open market. It abolishes the anti-competitive, so-called "each in turn", system, under which each truck is allocated a cargo in turn. Foreign companies are granted access to the national road transport market only if a company constituted under Niger law is established or acquired, a carrier qualification is obtained, and the vehicles are registered in Niger. However, foreign nationals may own or control Niger transport companies.

4.73. Despite the existence of the ECOWAS TIE and TRIE Conventions (common report, Table 4.7), ECOWAS nationals do not benefit from preferential access and cannot qualify as a carrier. On the other hand, the drivers may be nationals of an ECOWAS country. All foreign companies, whatever their nature, are prohibited from engaging in cabotage (transport between two points in Niger).

4.74. Strategic products (for example, uranium and explosives for extracting it) must be transported by Niger enterprises. The National Strategic Product Transport Company (CNTPS), in which the State has a holding, is active in overland transport of strategic products. The transport of hydrocarbons for export and of freight in general is governed by bilateral agreements on freight-sharing between carriers of the various countries concerned. In general, a quota of two thirds of the estimated total tonnage is reserved for trucks registered in Niger.

4.75. Moreover, the subregion's road carriers agree on an indicative tariff for each type of journey, despite free pricing in the transport subsector. Niger bound certain international road transport services for goods and passengers under the GATS in 1994, subject to a number of reservations.[43]

4.4.2.2 Rail transport

4.76. In November 2013, the Governments of Niger and Benin signed a memorandum of understanding on the construction of a railway line between Parakou in Benin, the present terminus of the railway link with the port of Cotonou, and Niamey. In 2015, agreements on the operation and construction of the infrastructure of the Niamey-Cotonou line were signed with the French group Bolloré for a period of 30 years. A multinational company (BENIRAIL) was established, with its capital of €107 million shared out between the two States, private investors in the two countries and the Bolloré group, which took on the entire cost of the project estimated at €1.07 billion.[44] According to the authorities, work on the new line, which is 574 km long, should be completed in 2021.

4.4.2.3 Air transport

4.77. Niger has six main airports, of which one meets international security and safety standards (Niamey), and 12 secondary landing strips. The safety of air navigation is the responsibility of the Agency for the Safety of Air Navigation in Africa and Madagascar (ASECNA).[45] In 2010, a new Civil Aviation Code modernized the legislation in force and established an autonomous regulatory authority for civil aviation under the Ministry responsible for transport, namely, the National Civil Aviation Agency of Niger (ANAC Niger).[46] The Agency is tasked with framing and implementing national air transport policy. The ASECNA delegation for national aeronautical activities is in charge of the commercial management of the airports and the management of airport infrastructure.

4.78. Niger applies the community provisions, as well as those of the Yamoussoukro Decision regarding air transport and airport services (common report, section 4.4.2.1). It has not signed any new agreement on traffic rights since 2010 or any open skies agreement. According to the authorities, Niger grants all the freedoms of the air including cabotage. In May 2017, the airline companies incorporated in Niger included: Niger Air Cargo, Niger Airways, Niger Airlines, Fly Skyjet, and Alpha Aviation Niger; the first three appeared in 2010.

4.4.3 Tourism

4.79. Since 1994, Niger has been keeping several types of tourism services open to foreign presence under the GATS.[47] In 2012, the Ministry of Tourism and Crafts published a national sustainable tourism development strategy and a priority action programme. The main concessions granted for tourism projects changed with the reform of the Investment Code (section 2.4). Insecurity is one of the principal constraints on the development of tourism.

4.80. The number of hotels increased from 63 in 2003 to 88 in 2008, and then to 125 in 2015, with a capacity of 3,800 beds. The number of nights spent rose from 145,000 in 2007 to 238,000 in 2012, before falling back sharply in 2016 because of the insecurity. However, earnings from tourism continued to increase over the period, from CFAF 106 billion to CFAF 156 billion (€238 million).

4.81. To open a tourism establishment (hotel, restaurant, campsite, hostel, boarding house, lodge, etc.) it is necessary to obtain a licence issued by the Minister responsible for tourism and several conditions must be met to obtain an operating permit, including a qualification in tourism

[43] WTO document GATS/SC/64 of 15 April 1994, I-TIP database. Viewed at: http://i-tip.wto.org/services/default.aspx.
[44] Online information from Wikipedia, viewed at: https://fr.wikipedia.org/wiki/Transport_ferroviaire_au_Niger.
[45] Online information viewed at: http://www.asecna.aero/asecna.html.
[46] Ordinance No. 2010-023 of 14 May 2010.
[47] WTO document GATS/SC/64 of 15 April 1994. Viewed at: http://i-tip.wto.org/services/GATS_Detail.aspx/?id=20808&sector_path=0000900050.

or the hotel business.[48] Since 2006, hotels have been classified in accordance with standards defined by ministerial order[49]; the Minister responsible for tourism decides on their classification or declassification. To obtain a trader's card as a travel guide it is necessary to be a Niger national.[50]

4.4.4 Financial services

4.82. Trade in financial services (banking, microfinance, insurance, stock market and securities) is governed by community regulations (common report, section 4.4.4).

4.83. Since 2009, the insurance market has expanded, having acquired a second life insurance company and two new property and casualty insurance companies, bringing the total number of the latter to six. In 2015, the total value of property and casualty premiums was CFAF 24 billion (around €37 million). A certificate proving that insurance has been taken out with an approved intermediary is required when clearing goods with a value of at least CFAF 1 million (around €1,500) or CFAF 5 million (€7,500) transported by air and land, respectively.[51]

4.84. The banking sector is growing vigorously, with total lending amounting to CFAF 321 billion (€489 million) in 2010 as compared with CFAF 573 billion in 2015. Twelve banks are currently active, together with one finance company. Five of these are large banks with a balance sheet of more than CFAF 130 billion (€198 million); they alone account for 83% of the balance sheet total. Two of them are majority Niger-owned. One (BADRI) is majority-owned by the State, which in 2016 was looking for buyers. Niger has around 160 service points, concentrated in Niamey. The bank account penetration rate is very low (2.14%). In general, the banks are robust, with a gross loan portfolio deterioration rate of 15%. The transfer of funds by mobile phone is expanding sharply, as is the payment of bills by phone.

4.85. The 42 micro-credit institutions (decentralized financial systems (DFS)) serve 11% of the population. Since 2009, the closing of a certain number of DFSs has made it possible to reorganize the sector and double lending, which amounted to CFAF 38 billion (€58 million) in 2015. Overall, bank lending continues to be a minor source of financing for businesses, which are mainly self-funded. Only 12% of loans are taken out on a formal basis.

[48] These conditions include: a requirement for foreigners to hold a permit to pursue professional activities in a self-employed capacity; and not having been declared either bankrupt or in receivership. Article 11 of Decree No. 2005-155/PRN/MT/A of 29 July 2005.

[49] Joint Order No. 00058/MT/A/MUH/C/DL of the Minister for Tourism and Crafts and the Minister for Town Planning, Housing and Land Registration of 4 October 2006.

[50] Order No. 00007/MTA/DTPT of 2 February 1999, Article 3.

[51] Ordinance No. 85-15 and its implementing Decree No. 85-52/PCMS/MF of 23 May 1985.

5 APPENDIX TABLES

Table A1. 1 Structure of exports, 2009-2016

	2009	2010	2011	2012	2013	2014	2015	2016
World (US$ million)	**628.0**	**478.6**	**1,080.7**	**1,379.8**	**1,337.2**	**1,049.7**	**789.8**	**927.2**
World (€ million)	**452.1**	**361.4**	**777.4**	**1,073.9**	**1,007.1**	**791.2**	**712.1**	**838.3**
	(Percentage share)							
Total primary products	**88.5**	**72.6**	**82.2**	**41.3**	**89.0**	**85.9**	**85.2**	**87.1**
Agriculture	31.8	20.7	18.0	24.1	9.4	13.0	15.5	38.4
Food	30.0	18.4	13.9	18.8	7.9	11.5	14.1	37.3
4222 - Palm oil and its fractions	0.2	*0.3*	0.5	1.3	0.8	0.9	3.6	14.0
0422 - Rice, husked but not further prepared (cargo rice or brown rice)	0.6	0.9	0.2	1.1	0.5	0.7	1.1	12.4
0989 - Food preparations, n.e.s.	0.1	0.1	0.1	0.2	0.2	0.8	1.1	3.2
0423 - Rice, semi-milled or wholly milled, whether or not polished, glazed, parboiled or converted	0.0	0.4	0.3	1.2	1.2	1.6	1.3	2.1
0545 - Other fresh or chilled vegetables	5.3	2.2	2.9	3.6	1.2	1.3	1.3	1.1
0612 - Other beet or cane sugar	0.5	1.2	1.3	2.6	0.6	1.0	1.8	0.6
0567 - Vegetables, prepared or preserved, n.e.s.	0.0	0.0	0.1	0.1	0.1	0.1	0.2	0.5
0483 - Macaroni, spaghetti and similar products	0.0	0.2	0.3	0.5	0.1	0.2	0.1	0.4
0741 - Tea, whether or not flavoured	0.1	0.1	0.2	0.2	0.1	0.1	0.3	0.4
0011 - Bovine animals, live	8.2	5.6	2.0	2.2	0.7	0.8	0.5	0.4
1222 - Cigarettes containing tobacco	0.8	1.3	1.0	0.7	0.5	1.1	0.9	0.3
0542 - Leguminous vegetables, dried, shelled, whether or not skinned or split	0.5	0.3	1.5	1.8	0.2	0.3	0.4	0.3
Agricultural raw materials	1.8	2.4	4.2	5.3	1.6	1.4	1.5	1.1
2690 - Worn clothing and other worn textile articles; rags	1.8	2.3	4.1	5.2	1.5	1.4	1.4	1.1
Mining	56.7	51.9	64.2	17.3	79.5	72.9	69.7	48.7
Ores and other minerals	55.5	50.2	62.1	0.0	49.3	45.9	50.9	32.3
2861 - Uranium ores and concentrates	55.5	50.2	62.0	0.0	49.3	45.6	50.9	32.2
Non-ferrous metals	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Fuels	1.2	1.6	2.0	17.2	30.2	27.0	18.8	16.5
Manufactures	**4.5**	**11.9**	**9.5**	**4.4**	**6.9**	**11.5**	**9.5**	**9.0**
Iron and steel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Chemicals	0.2	0.2	0.1	0.2	1.8	0.1	0.3	0.5
Other semi-manufactures	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Machinery and transport equipment	1.4	7.9	5.9	1.5	1.9	3.0	7.2	5.0
Power-generating machinery	0.0	0.1	0.1	0.0	0.1	0.0	0.0	0.1
Other non-electrical machinery	0.5	4.4	3.3	0.7	0.3	1.4	0.4	0.6
Agricultural machinery and tractors	0.0	0.9	0.0	0.0	0.0	0.0	0.0	0.0
Office machines and telecommunications equipment	0.2	0.3	0.3	0.2	0.4	0.4	0.3	0.1
Other electrical machinery	0.1	0.1	0.2	0.1	0.1	0.1	0.2	0.2
Automotive parts	0.4	2.3	1.8	0.4	0.5	0.5	4.7	2.6
7812 - Motor vehicles for the transport of persons, n.e.s.	0.0	0.4	0.2	0.1	0.0	0.1	0.0	2.2
Other transport equipment	0.3	0.7	0.2	0.1	0.5	0.5	1.6	1.3
7928 - Aircraft, n.e.s. and associated equipment	0.0	0.0	0.0	0.0	0.0	0.1	0.0	1.1
Textiles	2.1	2.7	2.9	2.2	1.3	1.5	1.4	3.1
6523 - Other woven fabrics, bleached, dyed	2.0	2.7	2.9	2.2	1.3	1.4	1.4	2.4
Articles of apparel and clothing accessories	0.1	0.1	0.1	0.1	0.1	0.1	0.0	0.0
Other consumer goods	0.6	0.8	0.4	0.3	1.7	6.7	0.4	0.2

	2009	2010	2011	2012	2013	2014	2015	2016
Other	**7.0**	**15.5**	**8.4**	**54.3**	**4.1**	**2.6**	**5.3**	**3.8**
9710 - Gold, non-monetary (excluding gold ores and concentrates)	7.0	15.5	0.0	0.0	4.1	0.0	5.3	3.8

Source: WTO Secretariat calculations based on data from the UNSD Comtrade database (SITC Rev. 3).

Table A1. 2 Destination of exports, 2009-2016

	2009	2010	2011	2012	2013	2014	2015	2016
World (US$ million)	**628.0**	**478.6**	**1,080.7**	**1,379.8**	**1,337.2**	**1,049.7**	**789.8**	**927.2**
World (€ million)	**452.1**	**361.4**	**777.4**	**1,073.9**	**1,007.1**	**791.2**	**712.1**	**838.3**
	(Percentage share)							
America	**8.4**	**18.2**	**12.6**	**7.9**	**10.0**	**8.6**	**19.8**	**4.6**
United States	7.8	16.7	11.2	5.4	9.2	7.4	18.0	3.9
Other America	0.6	1.5	1.5	2.6	0.8	1.2	1.8	0.7
Brazil	0.5	1.4	1.3	2.3	0.8	0.9	1.8	0.6
Europe	**57.6**	**31.8**	**57.5**	**46.6**	**45.8**	**42.3**	**47.5**	**38.9**
EU-28	50.5	15.9	48.9	40.1	41.5	38.9	41.8	32.7
France	47.1	9.0	40.8	34.3	39.6	36.5	38.4	31.3
Germany	0.6	1.2	1.8	0.6	0.3	0.5	0.4	0.6
Spain	2.1	4.1	2.3	1.7	0.0	0.1	0.1	0.3
Netherlands	0.1	0.8	2.4	2.1	1.1	1.2	1.3	0.2
EFTA	7.1	15.6	8.4	6.2	4.2	3.1	5.3	3.9
Switzerland	7.1	15.6	8.4	6.2	4.2	3.1	5.3	3.9
Other Europe	0.0	0.3	0.3	0.3	0.1	0.4	0.4	2.3
Turkey	0.0	0.3	0.3	0.3	0.1	0.4	0.4	2.3
Commonwealth of Independent States (CIS)	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Africa	**30.0**	**18.2**	**12.0**	**28.3**	**34.2**	**31.7**	**23.4**	**20.3**
Nigeria	22.1	11.1	5.0	10.8	15.4	12.7	12.5	9.5
Mali	0.1	0.1	0.0	8.3	0.2	0.7	2.9	5.6
Burkina Faso	0.5	0.6	0.2	2.7	16.3	15.7	5.5	3.4
Ghana	3.8	1.4	3.3	3.5	0.3	0.2	0.7	0.5
Benin	0.4	0.2	0.3	0.7	0.3	0.7	0.3	0.3
Algeria	0.0	1.8	0.1	0.2	0.1	0.2	0.2	0.2
Middle East	**0.1**	**0.1**	**0.3**	**0.3**	**0.3**	**0.5**	**0.5**	**0.6**
United Arab Emirates	0.1	0.0	0.3	0.3	0.3	0.3	0.2	0.3
Asia	**2.4**	**29.9**	**16.9**	**16.6**	**9.5**	**10.4**	**8.5**	**35.7**
China	0.5	7.8	4.1	4.5	6.2	5.4	1.0	5.3
Japan	0.1	16.6	9.1	4.7	0.0	0.2	1.0	1.6
Other Asia	1.8	5.6	3.8	7.3	3.2	4.8	6.6	28.7
Thailand	0.6	1.2	0.3	0.7	0.4	0.6	1.1	11.6
Malaysia	0.4	0.7	1.2	1.5	1.1	1.4	2.7	11.1
India	0.0	0.0	0.1	1.1	1.0	1.4	1.5	2.6
Indonesia	0.0	0.1	0.1	0.1	0.1	0.2	0.2	1.9
Singapore	0.0	0.0	0.2	0.3	0.1	0.5	0.5	0.9
Viet Nam	0.2	0.6	0.3	0.2	0.2	0.5	0.4	0.2
Other	**1.5**	**1.8**	**0.6**	**0.3**	**0.1**	**6.5**	**0.3**	**0.0**
Memorandum:								
WAEMU	3.0	3.0	2.3	12.9	18.1	18.1	9.4	9.7
ECOWAS[a]	28.9	15.4	10.6	27.2	33.8	31.0	22.5	19.7

a WAEMU members are also taken into account in the calculations.

Source: WTO Secretariat calculations based on data from the UNSD Comtrade database.

Table A1. 3 Structure of imports, 2009-2016

	2009	2010	2011	2012	2013	2014	2015	2016
World (US$ million)	**1,627.2**	**2,272.5**	**1,917.2**	**1,687.5**	**1,714.1**	**2,151.1**	**2,458.3**	**1,860.7**
World (€ million)	**1,171.3**	**1,715.9**	**1,379.1**	**1,313.4**	**1,291.0**	**1,621.3**	**2,216.6**	**1,682.1**
	(Percentage share)							
Total primary products	**32.2**	**30.7**	**38.1**	**39.6**	**41.4**	**31.0**	**26.9**	**30.9**
Agriculture	18.8	17.2	18.5	34.5	35.4	26.2	22.0	26.1
Food	15.5	15.1	15.8	31.7	32.9	24.8	21.0	25.1
0423 - Rice, semi-milled or wholly milled, whether or not polished, glazed, parboiled or converted	3.8	2.9	2.8	9.4	10.9	7.2	5.9	7.5
4222 - Palm oil and its fractions	1.3	0.7	1.1	2.5	2.6	2.7	2.7	4.2
1222 - Cigarettes containing tobacco	2.0	1.7	2.4	2.4	3.0	2.2	1.7	2.1
0989 - Food preparations, n.e.s.	0.6	1.0	0.9	2.6	2.7	1.6	1.5	2.0
0222 - Milk and cream, concentrated or sweetened	1.7	1.0	1.6	2.1	1.9	2.3	1.3	1.4
0612 - Other beet or cane sugar	1.3	1.0	1.1	2.7	2.3	1.4	1.6	1.1
Agricultural raw materials	3.3	2.1	2.6	2.8	2.6	1.4	1.0	1.0
Mining	13.4	13.4	19.6	5.1	6.0	4.8	4.8	4.8
Ores and other minerals	1.4	0.8	1.8	1.6	1.5	1.1	0.2	1.1
2741 - Sulphur of all kinds	0.5	0.4	0.9	0.8	0.7	0.0	0.0	0.8
Non-ferrous metals	0.0	0.1	0.0	0.1	0.1	0.1	0.1	0.1
Fuels	11.9	12.5	17.8	3.5	4.4	3.6	4.6	3.6
3510 - Electric current	1.0	1.0	1.3	1.2	0.9	0.9	1.0	1.5
Manufactures	**67.7**	**69.3**	**61.9**	**60.2**	**58.1**	**68.6**	**71.8**	**68.6**
Iron and steel	5.2	5.6	5.1	3.0	4.0	3.1	3.4	2.1
6762 – Bars and rods	0.9	0.6	0.5	0.4	0.8	0.9	0.6	0.9
Chemicals	9.0	6.2	10.6	11.5	9.8	9.0	5.7	7.0
5429 - Medicaments, n.e.s.	1.9	1.2	3.2	2.2	2.4	2.1	1.4	2.4
5416 - Glycosides	0.4	0.2	0.2	0.6	0.4	0.4	0.2	0.8
Other semi-manufactures	9.2	18.2	7.8	8.1	10.0	9.0	7.4	7.8
6612 - Portland cement, aluminous cement, slag cement, supersulphate cement and similar hydraulic cements	3.0	2.6	3.3	3.9	4.8	4.9	3.2	3.7
Machinery and transport equipment	32.3	33.1	32.4	30.4	26.8	37.2	48.9	45.3
Power-generating machinery	1.1	2.8	1.2	0.8	0.9	1.4	0.9	1.3
7165 - Generating sets	0.8	0.5	0.9	0.4	0.6	1.2	0.4	1.0
Other non-electrical machinery	14.9	15.6	12.6	12.0	9.4	12.4	7.3	6.2
7239 - Parts, n.e.s.	3.3	2.4	2.3	4.1	2.9	4.0	1.7	1.5
Agricultural machinery and tractors	0.2	0.4	0.0	0.0	0.2	1.3	0.1	0.1
Office machines and telecommunications equipment	4.5	1.9	3.7	2.4	2.6	3.1	3.7	4.2
Other electrical machinery	1.9	3.0	5.9	2.0	2.5	2.4	3.6	2.8

	2009	2010	2011	2012	2013	2014	2015	2016
Automotive products	8.5	8.6	7.9	11.1	8.9	8.6	6.8	8.4
7812 - Motor vehicles for the transport of persons, n.e.s.	1.9	1.5	2.6	2.5	3.1	3.1	2.3	3.1
7821 - Motor vehicles for the transport of goods	3.4	3.8	2.9	5.3	2.5	2.2	2.0	2.7
7822 - Special-purpose motor vehicles	1.1	0.9	1.1	1.1	1.2	1.1	0.8	1.2
Other transport equipment	1.4	1.2	1.1	2.2	2.4	9.3	26.7	22.5
7929 - Parts, n.e.s.	0.0	0.0	0.0	0.3	1.2	6.1	11.0	19.8
Textiles	2.9	1.0	1.8	2.0	2.4	2.1	2.0	1.2
Articles of apparel and clothing accessories	1.2	0.2	0.3	0.7	0.8	0.7	0.5	0.3
Other consumer goods	7.9	4.9	3.9	4.6	4.2	7.4	3.9	4.8
8741 - Compasses	2.6	1.0	0.6	1.2	0.2	3.6	0.4	1.1
Other	**0.1**	**0.0**	**0.1**	**0.1**	**0.4**	**0.4**	**1.3**	**0.6**

Source: WTO Secretariat calculations based on data from the UNSD Comtrade database (SITC Rev.3).

Table A1. 4 Origin of imports, 2009-2016

	2009	2010	2011	2012	2013	2014	2015	2016
World (US$ million)	**1,627.2**	**2,272.5**	**1,917.2**	**1,687.5**	**1,714.1**	**2,151.1**	**2,458.3**	**1,860.7**
World (€ million)	**1,171.3**	**1,715.9**	**1,379.1**	**1,313.4**	**1,291.0**	**1,621.3**	**2,216.6**	**1,682.1**
	(Percentage share)							
America	**7.3**	**7.8**	**8.1**	**10.5**	**9.0**	**8.8**	**7.4**	**9.2**
United States	4.9	6.1	5.8	6.7	5.9	5.3	5.4	7.8
Other America	2.4	1.7	2.3	3.9	3.1	3.5	2.1	1.4
Brazil	1.5	0.9	1.2	2.7	2.0	1.1	1.3	0.9
Europe	**27.7**	**25.7**	**35.4**	**25.1**	**20.7**	**26.2**	**39.4**	**37.8**
EU-28	27.2	25.3	34.5	23.7	19.3	23.8	38.2	36.6
France	13.5	11.0	12.2	11.8	10.1	14.6	31.7	28.3
Germany	2.6	2.0	3.2	4.0	1.5	3.5	1.7	2.5
Belgium	1.2	1.4	1.6	1.7	1.5	0.7	1.0	1.4
Netherlands	4.3	3.2	5.5	1.5	1.6	1.5	1.3	0.9
Italy	1.2	0.7	1.4	1.1	1.3	1.0	0.8	0.9
Spain	0.5	0.7	0.8	1.1	0.8	0.5	0.4	0.6
EFTA	0.3	0.2	0.4	0.8	0.5	1.3	0.6	0.4
Other Europe	0.2	0.2	0.5	0.6	0.9	1.1	0.6	0.8
Turkey	0.2	0.2	0.5	0.6	0.9	1.1	0.6	0.8
Commonwealth of Independent States (CIS)	**0.6**	**0.5**	**0.5**	**0.1**	**0.2**	**0.4**	**0.2**	**0.1**
Africa	**17.9**	**13.1**	**16.9**	**21.9**	**23.9**	**19.6**	**15.8**	**17.6**
Nigeria	5.0	3.9	4.6	6.0	5.1	3.8	3.7	5.8
Ghana	0.8	0.8	0.8	1.5	2.5	2.9	2.6	2.8
Côte d'Ivoire	3.8	2.2	3.2	3.4	3.6	2.7	2.2	1.9
Togo	2.6	2.3	4.2	5.4	6.3	3.8	1.9	1.8
Benin	0.4	0.9	0.5	1.2	1.4	2.6	2.5	1.7
Senegal	0.5	0.4	0.5	0.8	0.9	0.6	0.6	0.8
Morocco	0.3	0.2	0.3	0.6	0.5	0.4	0.4	0.6
Middle East	**0.6**	**0.3**	**1.6**	**0.9**	**0.9**	**1.0**	**0.7**	**1.5**
United Arab Emirates	0.2	0.1	0.2	0.4	0.6	0.8	0.4	1.1
Asia	**44.4**	**52.0**	**37.1**	**41.0**	**44.6**	**39.8**	**35.8**	**33.6**
China	30.7	43.8	26.9	21.2	23.7	22.6	23.0	16.2
Japan	4.3	3.3	3.4	5.9	4.1	4.4	2.7	3.2
Other Asia	9.4	4.9	6.9	13.9	16.8	12.7	10.1	14.2
Thailand	2.4	0.9	1.4	2.7	3.5	4.7	3.2	5.8
India	1.6	0.5	1.3	4.7	6.1	3.7	3.8	3.5
Malaysia	1.3	1.0	1.4	1.5	1.5	1.3	1.1	2.9
Pakistan	1.4	0.6	1.4	3.1	3.5	1.4	0.8	0.6
Other	**1.6**	**0.5**	**0.4**	**0.5**	**0.7**	**4.3**	**0.6**	**0.3**
Memorandum:								
WAEMU	8.5	6.5	9.1	11.4	13.0	10.6	7.7	6.9
ECOWAS[a]	14.4	11.1	14.5	18.9	20.7	17.3	13.9	15.5

a WAEMU members are also taken into account in the calculations.

Source: WTO Secretariat calculations based on data from the UNSD Comtrade database.