

# **Balancing Investment Promotion and Fiscal Responsibility: An Analysis of Nigeria's Economic Development Tax Incentive (EDTI)**

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## **Abstract**

This paper evaluates Nigeria's new Economic Development Tax Incentive (EDTI) legal framework, a performance-based system established by the 2025 Nigeria Tax Act and the Nigeria Tax Administration Act. The analysis employs a qualitative, descriptive methodology, leveraging document analysis and comparative research to position Nigeria's tax reform within global fiscal policy trends. The paper finds that the EDTI represents a critical and modern shift from the legacy Pioneer Status Incentive (PSI), which was widely criticized by international bodies like the OECD and World Bank for being an opaque, profit-based tax holiday that fostered revenue leakage. The EDTI, in contrast, aligns with global best practices by replacing the tax holiday with a more transparent, investment-tied tax credit based on Qualifying Capital Expenditure (QCE). The framework's design directly links incentives to tangible capital deployment, offering a tax credit of 5% per annum on eligible QCE. Its key highlights—including a non-refundable application fee (0.1% of QCE, capped at ₦5 million), a five-year incentive period with a potential five-year extension, and a five-year carry-forward mechanism for unutilized credits—are structured to promote verifiable, long-term investment. Crucially, the EDTI's interaction with the Effective Tax Rate (ETR) for large corporations ensures a minimum tax contribution, directly addressing a major weakness of the PSI and bolstering fiscal responsibility. Based on these findings, the paper recommends rigorous enforcement of the ETR by the government and strategic tax planning by businesses to fully leverage the new framework. Ultimately, this work concludes that the EDTI is a more robust, accountable, and internationally credible fiscal tool designed to foster sustainable economic development and enhance transparency in Nigeria's tax system.

**Keywords:** *Economic Development Tax Incentive, Pioneer Status Incentive, Economic Development Tax Credit, Effective Tax Rate, Companies' Income Tax, Fiscal Policy, Nigeria.*

## **1.0 Introduction**

The concept of performance-based tax incentives has its roots in global fiscal policy, gaining prominence with models like the Investment Tax Credit (ITC) in the United States during the 1960s. This approach rewards tangible capital investments rather than simply exempting profits, a principle that aligns with recommendations from institutions like the World Bank and the OECD, which have long criticized "blunt" tax holidays for being ineffective and leading to revenue leakage. In line with this global best practice, Nigeria has established the Economic Development Tax Incentives (EDTI) framework through the 2025 Nigeria Tax Act and the Nigeria Tax Administration Act. This legal framework represents a strategic and fundamental shift from the legacy Pioneer Status Incentive (PSI).

The PSI, governed by the Industrial Development (Income Tax Relief) Act (IDITRA), provided a tax holiday for qualifying companies in 99 designated "pioneer" industries. However, while intended to attract investment, the PSI was associated with significant challenges such as revenue leakage, minimal value addition, and a lack of transparency. The EDTI framework in the 2025 Nigeria Tax Act has since superseded the provisions of IDITRA. The EDTI is a direct response to these issues, introducing a modern, performance-based system designed to foster sustainable economic development and fiscal responsibility by directly linking incentives to verifiable investments.

This paper provides a critical evaluation of the EDTI framework. The analysis is focused on the legal and administrative provisions of the EDTI as stipulated in Part II, Sections 166-184, of the 2025 Nigeria Tax Act. The primary objectives are to critically evaluate the EDTI's efficacy as a performance-based incentive, compare its key provisions with the legacy PSI, and assess how it balances investment promotion with fiscal revenue and accountability. This study is limited to the provisions of these acts and their direct implications for corporate entities in Nigeria; it does not extend to other tax laws, macroeconomic factors, or the EDTI's practical implementation. The significance of this study lies in its timely evaluation of a major fiscal reform, offering valuable insights for policymakers, tax administrators, and businesses, and contributing to the body of knowledge on the efficacy of performance-based incentives in developing economies.

The EDTI is built on principles of transparency and accountability to solve the problems of the PSI. Unlike its predecessor, it is directly tied to a company's verifiable Qualifying Capital Expenditure (QCE) at a rate of 5% per annum, ensuring that businesses are rewarded for making tangible, long-term investments. Key features of the framework include a non-refundable application fee, the certification of "Production Day" as the incentive's start date, and the requirement for companies to maintain separate books of account for their priority and non-priority businesses. The framework also ensures fiscal responsibility through the Effective Tax Rate (ETR), which requires large corporations to pay a minimum tax, and it promotes sustainable growth by offering a five-year extension for companies that reinvest 100% of their profits.

## **2.0 The Core Concepts and Provisions**

### **2.1 A Fundamental Shift in Incentives: Economic Development Tax Incentive (EDTI) vs. Pioneer Status Incentive (PSI)**

#### **2.1.1 Verifiable Capital Investment Outlay**

The Economic Development Tax Incentive (EDTI) fundamentally changes Nigeria's approach to fiscal incentives by shifting the focus from a company's profits to its verifiable capital investments. Unlike the legacy Pioneer Status Incentive (PSI), which granted a blanket tax exemption regardless of the investment scale, the EDTI is a performance-based system directly tied to a company's Qualifying Capital Expenditure (QCE).

Under the EDTI, a company receives a tax credit at a rate of 5% per annum on its eligible QCE. This tax credit is applied to offset the company's tax payable, providing a direct and measurable return on capital invested in tangible assets like factories, machinery, and equipment. The Act specifies that the incentive is subject to a minimum investment threshold, ensuring that it is targeted towards significant projects that drive meaningful economic impact. This direct link between the incentive and verifiable investment distinguishes the EDTI as a more precise and effective tool for economic stimulation, encouraging tangible capital deployment and long-term business expansion.

#### **2.1.2 Promoting Sustainable Growth and Fiscal Responsibility**

The EDTI is a sophisticated framework designed to do more than provide a short-term tax break; it is built to encourage long-term planning and sustainable growth while ensuring fiscal responsibility. The initial priority period for the EDTI is five years, but a company can apply for an extension for another five years. This extension is a performance-based incentive, contingent upon the company reinvesting 100% of its profits from the initial five-year period back into its operations. This provision directly links the continuation of the incentive to a company's commitment to sustained economic activity.

Furthermore, the EDTI includes a crucial carry-forward mechanism. If a company's tax credit is not fully utilized in a given year, the remaining amount can be carried forward and used to offset future tax liabilities for five years after the initial priority period ends. This flexibility ensures that the company does not lose the benefit of its capital investment, providing a financial cushion for a future year when its tax liability is higher.

Lastly, the framework ensures a balance between incentivizing investment and maintaining government revenue through the Effective Tax Rate (ETR). This provision mandates that large companies with an annual turnover of ₦50 billion or more must pay a minimum tax, often set at 15% of their turnover. This is a key difference from the old PSI, which could result in a full tax holiday and zero tax revenue, regardless of the company's size or turnover.

### **2.1.3 Enhancing Transparency and Administration**

The new framework significantly enhances accountability and transparency through its clear administrative processes and reporting requirements. The EDTI is not a blanket exemption but is linked to verifiable capital expenditure and actual production, making it easier for the government to track revenue.

The process for granting the incentive is clearly defined, involving several key government agencies:

- The Nigerian Investment Promotion Commission (NIPC) receives the application.
- The Industrial Inspectorate Department (IID) and the Nigeria Revenue Service (NRS) are responsible for certifying the company's "Production Day" and the amount of its Qualifying Capital Expenditure (QCE).
- The NIPC is required to publish the names of companies that have been issued a certificate in the Official Gazette, ensuring public transparency.

Additionally, companies are required to file separate annual returns for their priority and non-priority products and services. This practice ensures greater oversight and accountability, a marked improvement from the less rigorous reporting under the PSI. The requirement for companies to file separate annual returns for their priority and non-priority products and services is a core feature of the EDTI framework's enhanced accountability. This practice ensures that the government can precisely track and verify the application of tax incentives, a marked improvement over the less rigorous reporting under the PSI. The importance of filing separate annual returns for their priority and non-priority businesses includes:

### **1. Enhanced Oversight and Precision**

This provision directly addresses a major shortcoming of the PSI, which granted a broad tax holiday on a company's entire profit. Under the EDTI, the tax credit is a specific 5% of Qualifying Capital Expenditure (QCE), applicable only to the profits derived from the priority business. By mandating separate returns, the Federal Inland Revenue Service (FIRS) can accurately determine the income, profits, and tax liability of both the priority and non-priority business units. This allows for a precise calculation of the economic development tax credit to be utilized and ensures that income from non-priority activities is not inadvertently shielded from tax.

### **2. Increased Accountability and Compliance**

The requirement for separate records serves as a powerful compliance tool. According to Section 179 of the Nigeria Tax Act, 2025, if a company fails to maintain separate books and records, its entire income is deemed non-priority, and the economic development tax credit will be denied. This strict provision incentivizes companies to comply with the reporting

requirements, ensuring a high degree of transparency. It empowers tax authorities to perform targeted audits and verify that the incentive is being applied correctly to the specific activities it was intended to promote, thereby preventing abuse and minimizing revenue leakage that was common under the PSI regime.

## **2.2 EDTI vs. EDTC: Clarifying the Framework and the Financial Instrument**

The terms **Economic Development Tax Incentive (EDTI)** and **Economic Development Tax Credit (EDTC)**, while related, refer to distinct components of the new legal framework. Clarifying this distinction is crucial for understanding Nigeria's new fiscal approach.

### **2.2.1 Economic Development Tax Incentive (EDTI)**

The EDTI refers to the overarching legal framework that governs the incentive programme. It is not the financial benefit itself but the enabling legislation that defines the rules, eligibility, duration, and administrative processes. According to the 2025 Nigeria Tax Act, the EDTI is the comprehensive system that classifies priority sectors in the Tenth Schedule of the Act and establishes the conditions under which a company can apply for and receive the tax benefit. It is the entire ecosystem of rules, procedures, and oversight mechanisms, managed by agencies like the Nigerian Investment Promotion Commission (NIPC), Industrial Inspectorate Division of the Federal Ministry of Industry, Trade and Investment (IDDFMITI), and the Nigeria Revenue Service (NRS).

### **2.2.2 Economic Development Tax Credit (EDTC)**

The EDTC is the specific financial instrument or tax benefit a company receives under the EDTI programme. As defined in Section 177(1) of the 2025 Nigeria Tax Act, the EDTC is the tax payable on the profits of a priority product or service in any year of assessment. This credit, computed in accordance with the provisions of the Act, can then be utilized to offset the company's Corporate Income Tax liability. It is a credit equal to 5% per annum of a company's eligible Qualifying Capital Expenditure (QCE) and represents the tangible financial reward for making a verifiable capital investment.

## **2.3 Key Provisions of the EDTI Framework**

The Economic Development Tax Incentives (EDTI) framework is governed by Chapter Eight, Part II (Sections 166-184) of the 2025 Nigeria Tax Act. The programme is administered by a collaborative effort between the Nigerian Investment Promotion Commission (NIPC), the Industrial Inspectorate Department of the FMITI, and the newly established Nigeria Revenue Service (NRS), which replaced the Federal Inland Revenue Service (FIRS) to consolidate revenue administration.

**2.3.1 Eligibility and Application:** According to Section 167 of the NTA 2025, a company must be incorporated in Nigeria or be the promoter of a yet-to-be-incorporated company in Nigeria to be eligible for the EDTI. It must operate in one of the 51 designated priority sectors specified in the Tenth Schedule of the Act.

**2.3.2 Minimum Investment and Application:** To qualify, a company must apply to the NIPC along with a non-refundable application fee. As stipulated in Section 168(4), this fee is 0.1% of the Qualifying Capital Expenditure (QCE) and is capped at ₦5,000,000. The application is submitted to the NIPC with a non-refundable fee. The non-refundable fee for the EDTI application is 0.1% of the qualifying capital expenditure (QCE), and it is capped at ₦5 million. The fee will not be returned to the applicant regardless of whether their application for the EDTI is successful or not. The fee is calculated based on the total value of the company's qualifying capital expenditure, which is the investment that makes them eligible for the incentive. For instance, a company investing ₦10 billion in a priority sector would pay a fee of

₦10 million (0.1% of ₦10 billion). Capped at ₦5 million: This cap ensures that larger companies with very high capital expenditures do not pay an excessive fee. Using the same example, since the calculated fee of ₦10 million exceeds the cap, the company would only be required to pay the maximum fee of ₦5 million. The company must also make a minimum investment (QCE) thresholds, which range from ₦250 million to ₦200 billion, depending on the sector.

**2.3.3 Duration and Utilization of the EDTC:** The Economic Development Tax Credit (EDTC) is a time-bound incentive designed to provide long-term support for a company's qualifying investments. The incentive period begins on a company's "Production Day," a date formally certified by the Industrial Inspectorate Department in line with Section 173 of the 2025 Nigeria Tax Act. The initial priority period is five years, and it can be extended for an additional five years, provided the company reinvests 100% of its profits from the initial period, as outlined in Section 171(3). This provision is designed to promote sustained capital reinvestment and long-term economic growth. The EDTC can be used to offset a company's tax payable in any year of assessment. A crucial feature is the carry-forward mechanism: any unutilized credit can be carried forward for a period of five years after the priority period ends, as specified in Section 177(3). This provides companies with a financial cushion, allowing them to benefit from their investment even if they experience lower profitability in the early years. The EDTC cannot, however, be used to offset any additional tax payable under Section 57, which relates to the Effective Tax Rate (ETR) for large companies.

**2.3.4 Filing Requirements and Compliance:** To ensure transparency and accountability, the Nigeria Tax Administration Act (NTAA) 2025 mandates companies with priority status to file separate annual returns for their priority and non-priority products or services. This is a crucial administrative requirement for ensuring compliance. Also, it allows the Nigeria Revenue Service (NRS) to accurately track the performance of the incentivized business activity, verify tax credit claims, and prevent revenue leakage. It ensures that the impact of the tax credit is measured on the overall economic growth and development performance. Section 179 of the Act explicitly states that if a company fails to maintain separate records, its entire income will be deemed non-priority, and the tax credit will be denied.

### **2.3.5 Sunset Provision and Targeted Sectors**

The EDTI framework is specifically designed to be temporary and targeted, which is enforced through a sunset provision. The term "sunset" refers to a clear expiration date for the tax incentive programme in a particular sector, ensuring it is not an indefinite benefit. As defined in Section 184 of the 2025 Nigeria Tax Act, a sector will cease to be eligible for the economic development incentive after its designated sunset period, which can range from 10 to 20 years from the commencement of the Act. This structured approach aims to encourage timely investment and prevent the abuse of tax incentives.

The EDTI is specifically targeted at priority sectors that are deemed critical for national development and diversification away from oil dependence. These sectors are listed in the Tenth Schedule of the Act and include:

- Agriculture and food processing
- Manufacturing
- Energy (including renewable energy)
- Transportation (infrastructure)
- Healthcare
- Information and Communications Technology (ICT) and Creative Industry

- Industrial Machinery & Infrastructure
- Mining and quarrying

The NTA 2025 also gives the President the power to amend the list of priority sectors by order, ensuring the framework remains flexible and aligned with the nation's evolving economic priorities.

## **2.4.0 Ring-Fencing and the EDTI Framework**

The term "ring-fencing" is not explicitly used in the 2025 Nigeria Tax Act, but the EDTI framework creates a similar effect by legally isolating tax benefits to the specific, incentivized business activity. This provision acts as a "fence," ensuring that the tax credit is a precise tool for promoting investment and not a general tax shield for the entire business. This is achieved through a combination of mandatory separate filing requirements and limitations imposed by the Effective Tax Rate (ETR).

### **2.4.1 Legal Basis for Ring-fencing and Purpose**

The EDTI framework ensures the tax credit is a precise tool by legally requiring companies to maintain separate accounts for their priority and non-priority businesses. Section 179 of the NTA 2025 explicitly mandates that a company "shall maintain separate records of income and books of account for each business, whether it is a priority or non-priority business." This provision ensures that the financial performance of the incentivized activity is tracked independently. A failure to comply with this requirement can be severe: if a company does not maintain separate records, its entire income will be deemed non-priority, and the tax credit will be denied. This legal separation allows the tax authority to verify that the Economic Development Tax Credit (EDTC) is applied solely to the profits of the qualifying priority business and cannot be used to reduce the tax on unrelated income.

### **2.4.2 Limitations and Interplay with Other Incentives**

In addition to separate filing, the EDTI framework includes other provisions that reinforce this ring-fencing effect:

**Effective Tax Rate (ETR):** The EDTC cannot be used to offset the additional tax payable under the ETR for companies with an annual turnover of ₦50 billion or more. As specified in Section 166(2) of the NTA, the tax credit "shall not be utilized to reduce the tax payable on the profits" below the ETR if applicable. This ensures that large companies still pay a minimum amount of tax regardless of their EDTC, preventing the tax credit from becoming a total tax shield.

**Treatment of Capital Allowances:** The EDTI framework does not replace or eliminate a company's ability to claim other tax benefits. As specified in Section 177(2), the EDTC is granted "in addition to any capital allowance granted under this Act." This means companies can still claim their capital allowances and use them to reduce their tax liability, with the EDTC serving as an additional, performance-based incentive. Companies that are granted the Economic Development Tax Credit (EDTC) will still claim capital allowances, file tax returns, and make payments, with the added benefit of being able to use the EDTC to reduce their Corporate Income Tax (CIT) payable. In essence, the EDTI framework, through its separate filing requirements and ETR limitations, ensures that the tax credit is a precise tool for promoting investment in priority sectors rather than a general tax shield for the entire business.

## **2.5 The Integrated Approach to Tax Compliance**

The Economic Development Tax Credit (EDTC) is designed to be a supplementary incentive that integrates with Nigeria's existing tax system, not a complete replacement of a company's tax obligations. This is a key distinction from the legacy Pioneer Status Incentive (PSI), which

often resulted in a comprehensive tax holiday. The EDTC operates within the existing tax framework, meaning companies must remain fully compliant with all standard tax obligations.

### 2.5.1 Key Provisions for Compliance

The EDTC is an incentive that complements, rather than replaces, a company's fundamental tax responsibilities. This integrated approach is evident in several key provisions of the 2025 Nigeria Tax Act (NTA) and the Nigeria Tax Administration Act (NTAA).

**Filing and Reporting Requirements:** A company with EDTI status is still required to file its annual tax returns. The NTAA 2025 specifically mandates the filing of separate returns for income from both priority and non-priority products or services. As stipulated in Section 179 of the NTA 2025, a company must "maintain separate records of income and books of account for each business," which is a crucial requirement for the tax authority to track the company's financial performance and ensure the proper application of the EDTC.

**Interplay with Other Tax Benefits:** The EDTC does not replace or affect a company's ability to claim other tax benefits. As specified in Section 177(2) of the NTA 2025, the EDTC is granted "in addition to any capital allowance granted under this Act." This means a company can claim capital allowances on its Qualifying Capital Expenditure (QCE) to reduce its taxable profit and then use the EDTC (5% of QCE annually) to directly reduce its tax payable. This dual benefit ensures that companies are rewarded for their tangible investments both through a direct tax credit and through the existing depreciation mechanism.

**Maintaining a Minimum Tax Contribution:** While the EDTC can significantly reduce a company's tax liability, it may not eliminate it. The EDTC cannot be used to offset the additional tax payable under the Effective Tax Rate (ETR) for large companies with a turnover of ₦50 billion or more. This is a key provision in Section 166(2) of the NTA, which states that the tax credit "shall not be utilized to reduce the tax payable on the profits" below the ETR. This provision ensures that even with the incentive, large companies still contribute a minimum amount of tax, aligning investment promotion with the government's fiscal revenue objectives.

### 2.5.2 Operationalization of the Economic Development Tax Credit (EDTC)

The operationalization of the Economic Development Tax Credit (EDTC) follows a clear, step-by-step process that is initiated by the company and certified by relevant government agencies. This process is designed to ensure accountability and to directly link the incentive to verifiable investment and production.

#### Step 1: Application and Issuance of EDI Certificate

The process begins with an application to the Nigerian Investment Promotion Commission (NIPC) for a company that has been approved for a priority product or service as listed in the Tenth Schedule of the NTA. Upon approval, an Economic Development Incentive (EDI) Certificate is issued to the company, as mandated by Section 169(1).

#### Step 2: Certification of Production Day and QCE

Following the issuance of the certificate, two key certifications must be obtained to activate the incentive:

**Certification of Production Day:** No later than one month after its "Production Day," the company must apply to the Industrial Inspectorate Department (IID) to certify this date. The priority period officially begins on the certified production day, as stated in Section 173(1).

**Certification of Qualifying Capital Expenditure (QCE):** The company must also apply to the Service (FIRS) to certify its Qualifying Capital Expenditure (QCE) incurred before the production

day. The Service will then issue a certificate confirming the value of the QCE, as outlined in Section 173(3).

### **Step 3: Computation and Utilization of the EDTC**

Once the priority period begins, the company computes its tax payable on the profits of the priority products or services for any year of assessment (YOA), in accordance with Chapter Two of the NTA. The tax computed on these profits constitutes the EDTC, as per Section 177(1).

The EDTC can be used to offset the tax payable of the company in any YOA. However, a critical limitation is imposed by Section 177(2), which specifies that the EDTC cannot be used to offset the additional tax payable on account of the application of the Effective Tax Rate (ETR), as detailed in Section 57. Any unutilized EDTC can be carried forward for a period of five years after the end of the priority period, after which it will lapse in line with Section 177(3).

A further explanation of the operational steps is as follows:

1. **Issuance of EDI Certificate:** The process begins when the agency, NIPC, issues an Economic Development Incentive (EDI) Certificate to a company that has been approved for a priority product, service, or by-product.
2. **Certification of Production Day:** No later than one month after its "Production Day," the company must apply to the Industrial Inspectorate Department (IID) of the Federal Ministry of Industry, Trade, and Investment to have its production day certified. The priority period, during which the incentive is active, officially begins on this certified production day.
3. **Certification of Qualifying Capital Expenditure (QCE):** The company must also apply to the Service (FIRS) to certify its Qualifying Capital Expenditure (QCE) incurred before the production day. The Service will then issue a certificate confirming the value of the QCE.
4. **Tax Payable Computation:** The priority company then computes its tax payable on the priority products or services for any year of assessment (YOA) in accordance with Chapter Two of the NTA.
5. **EDTC as Tax Credit:** The tax payable computed on the priority products or services constitutes the EDTC. The EDTC is at a rate of 5% per annum for a period of five years on each eligible QCE.
6. **Utilization and ETR Limitation:** The EDTC can be used to settle the tax payable of the company in any YOA, including on non-priority tax liabilities. However, it is subject to the provision of Section 57, which dictates that the EDTC cannot be used to offset the additional tax payable on account of the application of the Effective Tax Rate (ETR).
7. **Carry-Forward of Unutilized EDTC:** If a company has any unutilized EDTC after the five-year priority period, it can be carried forward for another five years, after which any remaining amount will lapse.

### **2.5.3 Determination of Production Day - Sections 173 (10) and 182**

The term "**Production Day**" is a crucial element of the Economic Development Tax Incentive (EDTI), as it marks the official commencement of the five-year priority period for a company's tax credit. The legal definition of "Production Day" is specific to the nature of a company's business activities, as outlined in the 2025 Nigeria Tax Act. The NTA provides distinct definitions for different business types.

**For Companies Providing Priority Services:**

As defined in Section 173(10)(a), "Production Day" is "the date on which the company is ready to provide such priority service on a commercial scale." This means the company has completed all preparatory work, including building infrastructure, training staff, and obtaining all required licenses, and is fully ready to commence operations. For companies primarily engaged in offering services, the "Production Day" is the date on which the company is ready to provide its priority service on a commercial scale. This means the company has completed its preparatory work, such as building the necessary infrastructure, hiring and training staff, and obtaining all required licenses and certifications. The focus here is on the readiness to operate, not necessarily on the first customer transaction.

**Example 1:** A new software development company's "Production Day" is certified when its platform is fully built, tested, and ready to be launched to the public

**Example 2:** A new healthcare company, "MediCare Plus," invests in advanced medical equipment and technology. Its "Production Day" is certified as the day it is fully equipped, staffed, and licensed to begin providing its specialized medical services to the public.

### **For Companies in Manufacturing:**

"For manufacturing of priority products, the companies engaged in manufacturing, processing, mining, agricultural, or any other priority industry, Section 173(10)(b) specifies that 'Production Day' is 'the date on which the company begins to produce the priority product in commercial quantities.'" This signifies that the company has moved beyond the pilot or test phase and is now producing at a scale intended for the market.

**Example 1:** "Innovate Nigeria Ltd." has built a new plant to manufacture. Its "Production Day" is certified when its assembly line starts producing electric vehicles in commercial quantities, ready for sale in the market.

**Example 2:** "Innovate Nigeria Ltd." has built a new plant to manufacture solar panels. Its "Production Day" is certified when its assembly line starts producing solar panels in commercial quantities, ready to be sold in the market.

### **For Companies in the Plantation Industry:**

For companies in the plantation or agricultural industry, the definition is distinct. Section 182(1) specifies that the trade of a company operating a plantation "shall be deemed to have commenced on the date when the planting first reaches commercial production." This is a specific definition for agricultural businesses, tying the incentive period to the point where the crops or produce can be harvested and sold commercially in the market, rather than just the planting date.

**Example:** A company involved in cashew farming, "AgroHarvest Farms," plants a large cashew plantation. The "Production Day" for the company is certified when the trees first bear fruit in a quantity that can be commercially harvested and sold.

**Example:** A company involved in cashew farming, "AgroHarvest Farms," plants a large cashew plantation. The "Production Day" for the company is certified when the trees first bear fruit in a quantity that can be commercially harvested and sold.

**Example:** "Palm Produce Enterprises Ltd." invests in developing a large oil palm plantation. The "Production Day" for the company is certified when the oil palm trees, after years of growth, begin to yield a harvest of oil palm fruits in a consistent quantity that allows for processing and sale on a commercial scale. This is the point where the business has moved from being a long-term investment into a commercially viable, revenue-generating operation.

## **2.5.4 Certification of the Production Day and Qualifying Capital Expenditure**

To legally activate the Economic Development Tax Credit (EDTC), a company must undergo a formal certification process involving several government bodies. This process is a crucial step for the Service (FIRS) to verify that a company has met the eligibility criteria for the EDTC before the incentive is granted. The legal framework for this procedure is detailed in Section 173 of the 2025 Nigeria Tax Act.

**The Certification Process in Detail:** The certification process is a multi-step procedure involving the company, the Industrial Inspectorate Department (IID) of the Federal Ministry of Industry, Trade, and Investment (FMITI), the Nigerian Investment Promotion Commission (NIPC), and the Nigeria Revenue Service (NRS).

**1. Company Application to the IID:** A company granted the EDTC must apply to the IID of the FMITI to certify its "Production Day." According to Section 173(1), this application must be made "not later than one month after its production day." The IID is defined as the "relevant authority" in Section 184 for this purpose.

**2. IID Notification:** Within one month of certifying the "Production Day," the IID is required to officially notify both the NIPC and the Nigeria Revenue Service (NRS) of the certified date, as per Section 173(2).

**3. Company Application to the Service (FIRS) to Certify QCE:** The company must also apply in writing to the Service to certify the amount of its Qualifying Capital Expenditure (QCE) incurred before its "Production Day." This is an essential step, as the EDTC is directly linked to the value of the certified QCE, as outlined in Section 173(3).

**4. Nigeria Revenue Service (NRS) Actions:** The Service then has two key duties:

- It shall issue a certificate to the company confirming the amount of QCE that has been certified, in line with Section 173(6).
- It shall notify the NIPC of the certified amount of the QCE, as stipulated in Section 173(8).

**5. Discontinuation of EDTC:** If the amount of QCE certified by the Service is lower than the minimum value specified for the company's priority sector in the Tenth Schedule of the NTA, the Service has the authority to "discountenance" or revoke the EDTC certificate and must notify the NIPC accordingly, as per Section 173(9). This provision acts as a gatekeeper, ensuring that only companies that meet the minimum investment criteria receive the incentive.

A further explanation of the process is as follows:

- 1. Company Application to IID:** Within one month after its "Production Day," a company granted the EDTC must apply to the IID of the FMITI. This is the critical first step to officially start the five-year priority period.
- 2. IID Certification of Production Day:** The IID is the sole authority responsible for certifying the "Production Day." This certification confirms that the company has either begun commercial production of a priority product or is ready to provide a priority service on a commercial scale, as defined in the NTA 2025.
- 3. IID Notification to NIPC and NRS:** Within one month of certifying the Production Day, the IID is required to officially notify both the NIPC and the NRS. This notification is crucial because it informs all relevant parties that the company has met the initial requirement for the tax incentive.
- 4. Company Application to NRS to Certify QCE:** At the same time, the company must apply to the NRS to certify its QCE. This is an essential step as the EDTC is calculated as 5% of the certified QCE. The QCE must have been incurred before the Production Day.

5. **NRS Issuance of QCE Certificate:** After reviewing the company's application and supporting documents, the NRS issues a certificate to the company, formally stating the value of the QCE that it has certified.
6. **NRS Notification to NIPC:** The NRS must also notify the NIPC of the certified QCE amount. This ensures that the NIPC's records are updated with the final amount on which the EDTC will be based.
7. **NRS Discretion to Discontinue EDTC:** If the amount of QCE certified by the NRS is lower than the minimum value specified for the company's priority sector in the Tenth Schedule of the NTA 2025, the NRS has the authority to discontinue the EDTC. This means the NRS can revoke the company's eligibility for the tax credit and must notify the NIPC of this decision. This provision acts as a gatekeeper, ensuring that only companies that meet the minimum investment criteria receive the incentive.

## 2.6.0 The Economic Development Tax Credit (EDTC) and the Effective Tax Rate (ETR)

The **Effective Tax Rate (ETR)** is a critical provision in the 2025 Nigeria Tax Act (NTA) that ensures large companies contribute a minimum amount of tax, regardless of their profitability or the number of incentives they claim. This provision applies to companies with an annual turnover of ₦50 billion or more.

### 2.6.1 How the EDTC and ETR Intersect

The **Economic Development Tax Credit (EDTC)** can be used to reduce a company's standard Corporate Income Tax (CIT) payable, but it cannot be used to offset any additional tax liability that arises from the ETR computation. This is a key legal safeguard within the EDTC framework that prevents the EDTC from acting as a loophole for large, highly profitable companies to pay zero tax.

As specified in Section 166(2) and reiterated in Section 177(2) of the NTA, the tax credit "shall not be utilized to reduce the tax payable on the profits" below the ETR if applicable. Instead, a company's final tax payable is the higher of its standard CIT liability (after applying the EDTC) or its ETR liability. This design ensures that the government continues to receive a minimum level of revenue from major corporations, aligning investment promotion with the government's fiscal revenue objectives.

#### Illustrative Example 1:

Let's consider "MegaCorp Plc.," a large manufacturing company with an annual turnover of **₦70 billion** in 2025. MegaCorp invests **₦5 billion** in new, qualifying capital expenditure (QCE) for a priority project and is granted the EDTC.

#### Step 1: Calculate the Standard Corporate Income Tax (CIT)

- Assume MegaCorp's taxable profit is **₦10 billion**.
- The standard CIT rate is 30%.
- **CIT Payable** = 30% of ₦10 billion = **₦3 billion**.

#### Step 2: Calculate the EDTC

- The EDTC is 5% of the QCE per year.
- **EDTC** = 5% of ₦5 billion = **₦250 million**.

#### Step 3: Calculate Tax Payable After EDTC

- MegaCorp can use the EDTC to reduce its CIT.
- **Tax after EDTC = ₦3 billion (CIT) - ₦250 million (EDTC) = ₦2.75 billion.**

#### Step 4: Calculate the Effective Tax Rate (ETR) Liability

- The ETR is calculated as a percentage of the company's turnover.
- Assume the ETR is a minimum of 15% of turnover.
- **ETR Tax Liability = 15% of ₦70 billion = ₦10.5 billion.**

#### Step 5: Final Tax Payable

- The company must pay the **higher** of the tax after EDTC (₦2.75 billion) or the ETR tax liability (₦10.5 billion).
- In this case, MegaCorp's final tax payable is **₦10.5 billion.**

**Conclusion:** Even though MegaCorp received a ₦250 million EDTC, the ETR provision ensured that it still paid a minimum tax of ₦10.5 billion. The EDTC did not eliminate its tax obligation but was simply part of the overall tax calculation. This demonstrates that the EDTC is an incentive that works within a robust tax framework designed to ensure revenue collection from large corporations.

If the Effective Tax Rate (ETR) computation results in a higher tax liability than the standard Corporate Income Tax (CIT) after applying the Economic Development Tax Credit (EDTC), the company will pay the higher ETR-based amount. In this scenario, the company will not be able to claim the EDTC for that specific year. This is because the ETR acts as a minimum tax provision. The EDTC is designed to reduce the standard tax liability, but the law requires large companies to pay whichever amount is greater: the standard CIT (less any credits) or the ETR-derived minimum tax.

### 2.6.2 The Impact on the EDTC

The interplay between the EDTC and the ETR is designed to ensure that the unutilized tax credit is not lost but is simply deferred. The 2025 Nigeria Tax Act (NTA) provides a crucial carry-forward mechanism to manage this.

As specified in Section 177(3) of the NTA, "a company having unutilized tax credit may utilize it within five assessment years after the end of the priority period, after which any unutilized tax credit shall lapse." This means that even if a company's tax liability is fully covered by the ETR, the accumulated EDTC is preserved. The company can then claim the credit in a future year when its standard Corporate Income Tax (CIT) liability is higher than its ETR liability, or when it no longer falls under the ETR provision due to a change in its annual turnover. This provision provides a financial cushion, ensuring companies receive the full benefit of their investment over the long term.

#### Illustrative Example 2:

Let's use the same example with "MegaCorp Plc.," a large company with a **₦70 billion** turnover and an annual **₦250 million** EDTC.

- **Scenario A: ETR is Higher**
  - **Standard CIT payable** (before EDTC): **₦3 billion**
  - **EDTC:** **₦250 million**
  - **CIT payable after EDTC:** **₦2.75 billion**

- **ETR Tax Liability: ₦10.5 billion** (15% of ₦70 billion)
- **Final Tax Due:** Since the ETR liability (₦10.5 billion) is higher, MegaCorp will pay this amount. The **₦250 million** EDTC **cannot** be used this year. It will be carried forward for use in a subsequent year.
- **Scenario B: Standard CIT is Higher**
  - Let's assume in a different year, MegaCorp's taxable profit increases significantly, resulting in a **standard CIT payable of ₦11 billion** (before EDTC).
  - **EDTC: ₦250 million**
  - **CIT payable after EDTC: ₦10.75 billion**
  - **ETR Tax Liability: ₦10.5 billion**
  - **Final Tax Due:** The standard CIT after the EDTC (₦10.75 billion) is higher than the ETR liability (₦10.5 billion). In this case, MegaCorp will pay **₦10.75 billion** and will have fully utilized its **₦250 million** EDTC for the year.

## 2.7.0 Final Tax Payable: The Higher of Two Figures

The final step in a company's tax calculation under the EDTI framework involves comparing the standard Corporate Income Tax (CIT) payable after the Economic Development Tax Credit (EDTC) has been deducted with the Effective Tax Rate (ETR) liability. The final tax payable is always the higher of these two figures, a key provision that balances incentives with fiscal responsibility.

**2.7.1 The Calculation Process:** The process to determine the final tax liability is a precise, multi-step calculation governed by the **2025 Nigeria Tax Act**.

**Step 1: Calculate the Standard CIT Payable:** First, the company's taxable profit is determined in accordance with Chapter Two of the Act, and the standard CIT rate (e.g., 30%) is applied. The EDTC, which Section 177(1) defines as the tax payable on the profits of a priority product or service, is then deducted from this standard CIT liability. This gives the CIT payable net of EDTC.

**Step 2: Calculate the ETR Liability:** For companies with an annual turnover of **₦50 billion or more**, the ETR liability is calculated by applying the designated ETR percentage (e.g., 15%) to the company's turnover.

**Step 3: Compare and Pay** The company's final tax payable for the year is the greater of the amounts from Step 1 and Step 2. This is the core of the EDTI's design, as mandated by **Section 166(2)** and **Section 177(2)** of the NTA, which states that the tax credit cannot be used to reduce tax below the ETR.

- If the **CIT payable net of EDTC** is the higher amount, the company pays that amount, and the EDTC is considered utilized.
- If the **ETR liability** is the higher amount, the company pays the ETR liability. In this case, the EDTC for that year is **not utilized** and is carried forward for a period of **five years**, as stipulated in **Section 177(3)**. This ensures the company retains the full benefit of its investment over time.

## 2.7.3 Illustrative Examples: EDTC vs. ETR

The following illustrative examples, based on the provisions of the **2025 Nigeria Tax Act (NTA)**, demonstrate how the standard Corporate Income Tax (CIT) payable after deducting the

**Economic Development Tax Credit (EDTC)** is compared with the **Effective Tax Rate (ETR)** to determine a company's final tax payable. These examples assume a company with an annual turnover of **₦100 billion** and a **Qualifying Capital Expenditure (QCE)** of **₦10 billion**, making it subject to the ETR provision.

### **Scenario 1: EDTC is Fully Utilized**

In this scenario, the company has a high taxable profit, and its standard CIT liability is greater than its ETR liability.

- **Step 1: Calculate the EDTC.**
  - $\text{EDTC} = 5\% \text{ of QCE} = 5\% \text{ of } ₦10 \text{ billion} = ₦500 \text{ million}$
- **Step 2: Calculate the Standard CIT Payable.**
  - Assume a taxable profit of **₦30 billion**.
  - $\text{Standard CIT (30\% of profit)} = 30\% \text{ of } ₦30 \text{ billion} = ₦9 \text{ billion}$
  - $\text{CIT payable after EDTC} = ₦9 \text{ billion} - ₦500 \text{ million} = ₦8.5 \text{ billion}$
- **Step 3: Calculate the ETR Liability.**
  - Assume an ETR of 15% of turnover.
  - $\text{ETR Liability} = 15\% \text{ of } ₦100 \text{ billion} = ₦15 \text{ billion}$
- **Step 4: Compare and Pay.**
  - In accordance with **Section 166(2)** of the NTA, the company pays the higher of the two figures.
  - **₦8.5 billion** (CIT after EDTC) **vs. ₦15 billion** (ETR Liability).
  - The company pays **₦15 billion**.

**Conclusion:** In this case, the company's EDTC of ₦500 million has been fully utilized to reduce its standard CIT liability, but the final tax payable is the higher ETR amount.

### **Scenario 2: EDTC is Carried Forward**

In this scenario, the company has a lower taxable profit, and its standard CIT liability is less than its ETR liability.

- **Step 1: Calculate the EDTC.**
  - $\text{EDTC} = 5\% \text{ of QCE} = 5\% \text{ of } ₦10 \text{ billion} = ₦500 \text{ million}$
- **Step 2: Calculate the Standard CIT Payable.**
  - Assume a taxable profit of **₦1 billion**.
  - $\text{Standard CIT (30\% of profit)} = 30\% \text{ of } ₦1 \text{ billion} = ₦300 \text{ million}$
  - $\text{CIT payable after EDTC} = ₦300 \text{ million} - ₦500 \text{ million} = ₦0$  (since tax cannot be a negative amount).
- **Step 3: Calculate the ETR Liability.**
  - Assume an ETR of 15% of turnover.
  - $\text{ETR Liability} = 15\% \text{ of } ₦100 \text{ billion} = ₦15 \text{ billion}$

- **Step 4: Compare and Pay.**
  - The company pays the higher of the two figures.
  - **₦0** (CIT after EDTC) **vs. ₦15 billion** (ETR Liability).
  - The company pays **₦15 billion**.

**Conclusion:** As per **Section 177(3)** of the NTA, since the company's tax payable was determined by the ETR, the entire EDTC of **₦500 million** is unutilized and will be carried forward for five years to be used against future tax liabilities.

### **Scenario 3: CIT Net of EDTC is Higher than ETR**

Let's assume "Tech Solutions Ltd." has an annual turnover of **₦60 billion** and a taxable profit of **₦5 billion**. The company has an EDTC of **₦200 million** for the year.

- **Step A: Calculate Standard CIT Payable**
  - Taxable Profit: **₦5 billion**
  - Standard CIT Rate: 30%
  - Standard CIT Payable: 30% of **₦5 billion** = **₦1.5 billion**
- **Step B: Calculate CIT Payable Net of EDTC**
  - Standard CIT Payable: **₦1.5 billion**
  - EDTC: **₦200 million**
  - **CIT Payable Net of EDTC:** **₦1.5 billion** - **₦200 million** = **₦1.3 billion**
- **Step C: Calculate ETR Liability**
  - Annual Turnover: **₦60 billion**
  - ETR Rate: 15% (for illustrative purposes, as per the previous document)
  - ETR Liability: 15% of **₦60 billion** = **₦9 billion**
- **Final Tax Payable:**
  - Compare the CIT Payable Net of EDTC (**₦1.3 billion**) with the ETR Liability (**₦9 billion**).
  - The final tax payable is the higher of the two, which is **₦9 billion**.
  - **Outcome:** Tech Solutions Ltd. will pay **₦9 billion**. The **₦200 million** EDTC for the year is **not utilized** and will be carried forward for up to five years.

### **Scenario 4: ETR is Lower than CIT Net of EDTC**

Let's use a different scenario for "Tech Solutions Ltd." with the same EDTC of **₦200 million**. This year, due to strong performance, its taxable profit is **₦40 billion**. The annual turnover remains **₦60 billion**.

- **Step A: Calculate Standard CIT Payable**
  - Taxable Profit: **₦40 billion**
  - Standard CIT Rate: 30%

- Standard CIT Payable: 30% of ₦40 billion = **₦12 billion**
- **Step B: Calculate CIT Payable Net of EDTC**
  - Standard CIT Payable: **₦12 billion**
  - EDTC: **₦200 million**
  - **CIT Payable Net of EDTC: ₦12 billion - ₦200 million = ₦11.8 billion**
- **Step C: Calculate ETR Liability**
  - Annual Turnover: **₦60 billion**
  - ETR Rate: 15%
  - ETR Liability: 15% of ₦60 billion = **₦9 billion**
- **Final Tax Payable:**
  - Compare the CIT Payable Net of EDTC (**₦11.8 billion**) with the ETR Liability (**₦9 billion**).
  - The final tax payable is the higher of the two, which is **₦11.8 billion**.
  - **Outcome:** Tech Solutions Ltd. will pay **₦11.8 billion**. The **₦200 million** EDTC is **fully utilized** this year.

#### 2.7.4 Illustrative Example: A New Manufacturing Plant (Solar Panels)

Innovate Nigeria Ltd. invests **₦500 million** in a new plant to produce solar panels, a priority product in the renewable energy sector.

**Annual Tax Credit:** The company is eligible for a yearly tax credit of **5%** of its QCE, which amounts to **₦25 million** per year (5% of ₦500 million) for five years.

**Tax Offset:** If the company's total tax payable for a year is **₦30 million**, it can use the **₦25 million** tax credit to reduce its liability to **₦5 million**.

**Unused Credit:** If the company's tax payable is only **₦15 million**, it uses **₦15 million** of the credit and can carry forward the remaining **₦10 million** to subsequent years<sup>20</sup>. The credit can be used to settle tax liabilities on both priority and non-priority products.

#### 2.7.5 Illustrative Example: A Healthcare Service Provider

"MediCare Plus," a company in the healthcare sector, invests **₦200 million** in new medical equipment. The company's "Production Day" is certified when it is ready to provide its priority service on a commercial scale.

**Annual Tax Credit:** MediCare Plus receives a yearly tax credit of **₦10 million** (5% of ₦200 million) for five years.

**Extension:** If MediCare Plus reinvests 100% of its profits from the initial five-year period, it may be eligible to apply for an extension, allowing it to receive the incentive for an additional five years.

#### 2.7.6 Illustrative Example

Let's say a manufacturing company, "GreenTech Ltd.," invests **₦100 million** in new machinery and equipment to produce a priority product.

1. **Application:** GreenTech applies to the NIPC for the EDTC, submitting a non-refundable fee.
2. **Production Day:** The Industrial Inspectorate Department of the Federal Ministry of Industry, Trade & Investment (FMITI) certifies GreenTech's "Production Day," which is the date the company begins commercial production of its priority product.
3. **Qualifying Capital Expenditure (QCE):** GreenTech applies to the Federal Inland Revenue Service (FIRS) to certify its qualifying capital expenditure<sup>17</sup>. The FIRS issues a certificate confirming the **₦100 million** in QCE.
4. **Tax Credit:** Over the five-year priority period, GreenTech becomes eligible to claim a tax credit of **5% per annum** on its QCE.
  - **Year 1 Tax Credit:** 5% of ₦100 million = **₦5 million**
  - **Total Tax Credit (over 5 years):** ₦5 million x 5 years = **₦25 million**.

This tax credit of **₦5 million** per year can be used to reduce GreenTech's corporate income tax liability, provided its tax payable does not fall below the 15% effective tax rate if the company is in scope (with a turnover of **₦50 billion** and above). The unutilized tax credit can be carried forward for five years after the priority period ends.

### 2.7.7 Illustrative Example: EDTC vs. ETR

This comparison is the final step in determining a company's tax liability for the year. The company's tax payable is always the **higher** of these two figures:

1. The standard CIT payable **net of EDTC**.
2. The ETR liability.

#### Example 1: ETR is Higher

"Tech Solutions Ltd." has a turnover of **₦60 billion** and a taxable profit of **₦5 billion**. It has an EDTC of **₦200 million**.

- **CIT Payable Net of EDTC:** (30% of ₦5 billion) - ₦200 million = **₦1.3 billion**
- **ETR Liability:** 15% of ₦60 billion = **₦9 billion**
- **Final Tax Payable:** The company pays the higher amount, which is **₦9 billion**. The **₦200 million** EDTC is **not utilized** and is carried forward.

#### Example 2: CIT Net of EDTC is Higher

Using the same company, its taxable profit increases to **₦40 billion**. The turnover remains **₦60 billion**, and the EDTC is **₦200 million**.

- **CIT Payable Net of EDTC:** (30% of ₦40 billion) - ₦200 million = **₦11.8 billion**
- **ETR Liability:** 15% of ₦60 billion = **₦9 billion**
- **Final Tax Payable:** The company pays the higher amount, which is **₦11.8 billion**. The **₦200 million** EDTC is **fully utilized**.

### Detailed Explanation of Section 177 (3) of the Nigeria Tax Act (NTA) 2025

Section 177 (3) of the NTA 2025 addresses the issue of unused Economic Development Tax Credit (EDTC). This provision ensures that companies do not lose the benefit of the tax credit if they cannot use it immediately.

The key points of this section are:

- **Carry-Forward Period:** If a company has an unutilized EDTC after the initial five-year priority period, it can carry forward the unutilized amount for an additional period of **five years**.
- **Lapse of Credit:** Any amount of the EDTC that remains unutilized after this additional five-year carry-forward period will **lapse**, meaning it can no longer be used to offset tax liabilities.
- **Application to QCE:** The provision also applies to the 5% per annum tax credit that is yet to be claimed on eligible qualifying capital expenditure (QCE) within the initial five-year priority period.

This provision provides companies with a ten-year window in total—five years during the priority period and an additional five years after—to fully utilize their tax credits. This offers significant flexibility and encourages long-term strategic tax planning.

### 2.7.8 Illustrative Example of Unutilized EDTC

Let's follow "Innovate Nigeria Ltd.," a company with an annual EDTC of **₦25 million** from a **₦500 million** qualifying capital expenditure (QCE). The company's priority period ends in Year 5.

#### Year 4 (During the Priority Period):

- **Standard CIT Payable** (before EDTC): **₦10 million**
- **ETR Liability:** **₦15 million**
- **Tax Payable after EDTC Deduction:**  $\text{₦10 million} - \text{₦25 million} = \text{-₦15 million}$  (i.e., tax liability is zero).
- **Final Tax Due:** Since the ETR liability (**₦15 million**) is higher than the tax after EDTC deduction (**-₦15 million**), the company pays **₦15 million**. The EDTC for the year is **not utilized**.
- **Unutilized EDTC:** The full **₦25 million** from this year is unutilized and carried forward.

#### Year 6 (After the Priority Period):

- The company is now in the five-year carry-forward period for the EDTC accrued during the priority period.
- **Standard CIT Payable:** **₦40 million**
- **Unutilized EDTC from Year 4:** **₦25 million**
- **Tax Payable after using Unutilized EDTC:**  $\text{₦40 million} - \text{₦25 million} = \text{₦15 million}$
- **Final Tax Due:** The company pays **₦15 million** and has successfully utilized the previously unutilized EDTC.

#### Year 11 (End of the Carry-Forward Period):

- If the company still has any unutilized EDTC from the priority period, it will **lapse** at the end of this year. This means any remaining credit cannot be used.

This example shows that the EDTC is not an "all-or-nothing" incentive. If a company cannot fully utilize its credit due to low profitability or the ETR provision in a given year, it can save the credit and use it in a future year when its tax liability is higher. This ensures the company receives the full benefit of its investment-based incentive.

### 2.7.9 Illustrative Example:

Let's use a company named Eco-Build Nigeria Ltd. to demonstrate this process. Eco-Build invests **₦2 billion** in new capital expenditure (QCE) for a priority product, a specialized eco-friendly building material.

- **Step 1-3 (Certification):** Eco-Build receives its EDI Certificate and applies to the IID to certify its Production Day. The FIRS also certifies its QCE at **₦2 billion**.
- **Step 4-5 (EDTC Computation):** Based on the **₦2 billion** QCE, the company is eligible for a **₦100 million** annual EDTC (5% of **₦2 billion**) for five years.
- **Step 6 (Utilization and ETR Check):**

**Scenario A:** In Year 2, Eco-Build's taxable profit is **₦1 billion**, and its annual turnover is **₦60 billion**.

Standard CIT Payable (before EDTC): 30% of **₦1 billion** = **₦300 million**.

CIT Payable Net of EDTC: **₦300 million** - **₦100 million** (EDTC) = **₦200 million**.

ETR Liability: 15% of **₦60 billion** = **₦9 billion**.

**Final Tax Payable:** The company pays the higher amount, **₦9 billion**. The

**₦100 million** EDTC for the year is **not utilized** because it cannot be used to reduce the ETR-based tax. This unutilized credit will be carried forward.

- **Step 7 (Carry-Forward):** In Year 6, after the priority period has ended, Eco-Build has a total of **₦200 million** in unutilized EDTC carried forward from previous years. The company is now in the five-year carry-forward period. This year, its standard CIT payable is **₦350 million**, and its turnover is below the ETR threshold.

**Tax Payable after using Unutilized EDTC:** **₦350 million** - **₦200 million** = **₦150 million**.

**Final Tax Payable:** The company pays **₦150 million** and has successfully utilized its previously unutilized EDTC.

### 2.8.1 Comparative Analysis: The EDTI vs. The PSI

The introduction of the **Economic Development Tax Incentive (EDTI)** marks a significant and strategic departure from Nigeria's previous fiscal policy, the **Pioneer Status Incentive (PSI)**. The fundamental shift lies in the very nature of the incentive itself: while the PSI was a profit-based tax holiday, the EDTI is an investment-based tax credit. This change repositions the incentive from a passive exemption to an active tool for stimulating tangible economic activity.

The introduction of the **Economic Development Tax Incentive (EDTI)** framework marks a significant and strategic shift from Nigeria's previous fiscal policy, the **Pioneer Status Incentive (PSI)**. While both incentives were designed to stimulate economic growth, the EDTI framework addresses the key challenges of the PSI by moving from a blunt, profit-based approach to a precise, investment-driven one.

#### 1. Type of Incentive: Profit vs. Investment

The most significant difference between the two frameworks is the fundamental nature of the relief. The PSI was a **profit-based tax holiday**, granting a full exemption from Companies Income Tax on a company's profits for a specified period. This meant that a company could pay zero tax on its profits, regardless of the scale of its tangible investment. In contrast, the EDTI is an **investment-based tax credit**. As defined in **Section 177(1)** of the **2025 Nigeria Tax Act (NTA)**, the **Economic Development Tax Credit (EDTC)** is a credit against tax payable, directly

linked to a company's **Qualifying Capital Expenditure (QCE)**. This change repositions the incentive from a passive exemption to an active tool for stimulating verifiable capital deployment.

## 2. Duration and Extension

The duration of the incentives and the conditions for their renewal also differ significantly. The PSI granted an initial tax holiday of three years, which was renewable for a further two years. The EDTI, as stipulated in **Section 178** of the NTA, provides a longer initial priority period of five years. This period can be extended by an additional five years, as outlined in **Section 171(3)**, subject to a strict performance-based condition: the company must reinvest **100% of its profits** from the initial incentive period. This provision is designed to promote sustained capital reinvestment and long-term economic growth.

## 3. Nature of Relief and Fiscal Limitations

The relief provided by the PSI was a full, upfront exemption from Companies Income Tax. Under the EDTI, the relief is a tax credit that can be utilized to settle a company's tax payable. However, a crucial difference lies in the **Effective Tax Rate (ETR)**, a provision that has no equivalent under the PSI. As mandated by **Section 166(2)** and **Section 177(2)** of the NTA, the EDTC cannot be used to reduce the tax payable on a company's profits below the ETR, which applies to companies with a turnover of **₦50 billion or more**. This provision acts as a safeguard, ensuring that large, profitable companies still contribute a minimum amount of tax, aligning the incentive with the government's fiscal revenue objectives.

## 4. Eligibility and Oversight

The criteria for eligibility and the oversight mechanisms have been completely revamped. The PSI applied to 99 sectors designated as "pioneer industries," with no specific minimum investment threshold. In contrast, the EDTI is currently restricted to **51 sectors**, with eligibility tied to a company meeting a minimum investment threshold (ranging from **₦250 million to ₦200 billion**), as specified in the **Tenth Schedule** of the NTA.

Furthermore, the EDTI framework enhances transparency and measurability through a multi-agency oversight model. Unlike the PSI, which was primarily administered by the Nigerian Investment Promotion Commission (NIPC), the EDTI requires certification of actual capital deployment and is verified by both the Industrial Inspectorate Department (IID) and the Service (FIRS), as outlined in **Section 173**. Companies are also mandated to maintain separate books of accounts for their priority and non-priority products, as per **Section 179**, making it easier for the government to track revenue and for investors to assess the value of the incentive.

### Nature of Relief and Duration

Under the old PSI, eligible companies were granted a full exemption from Companies Income Tax for an initial period of three years, which was renewable for two more years. This approach provided a complete tax holiday on profits but did not directly link the incentive to the scale of the investment. In contrast, the new EDTI is tied to **verifiable capital expenditure (QCE)**. It provides a tax credit equal to **5% per annum** on each eligible QCE for a duration of five years. This period can be extended by an additional five years if the company reinvests **100% of its profits** from the initial incentive period.

**Illustrative Example:** A company like Innovate Nigeria Ltd., which invests **₦500 million** in a new plant, is eligible for an annual tax credit of **₦25 million** for five years. If its tax payable is **₦15 million**, it uses **₦15 million** of the credit and can **carry forward the remaining ₦10 million** for up to five years after the priority period ends. This contrasts sharply with the PSI, where a company

would have simply enjoyed a tax holiday on its profits, with no mechanism to carry forward an unused incentive. The EDTI's structure encourages long-term planning and reinvestment, unlike the PSI, which was a short-term, upfront benefit.

### **Fiscal Responsibility and Oversight**

A key advantage of the EDTI is its enhanced transparency and measurability. Unlike the PSI, which was primarily administered by the Nigerian Investment Promotion Commission (NIPC), the EDTI requires certification of actual capital deployment and is verified by both the Industrial Inspectorate Division and the Federal Inland Revenue Service (FIRS). Companies are also mandated to file separate returns for priority and non-priority products, making it easier for the government to track revenue and for investors to assess the true value of the incentive.

Perhaps the most significant difference lies in the EDTI's interaction with the **Effective Tax Rate (ETR)**. While the PSI offered a full exemption from Companies Income Tax, the EDTI ensures that large companies (those with a turnover of **₦50 billion or more**) still pay a minimum tax of 15%. This is a critical provision that prevents the EDTI from acting as a complete tax shield for highly profitable companies.

**Illustrative Example:** A company like MegaCorp Plc., with a turnover of **₦70 billion**, has a standard CIT of **₦2.75 billion** after applying its EDTC. However, its ETR liability is **₦10.5 billion** (15% of **₦70 billion**). In this case, MegaCorp's final tax payable is the **higher of the two amounts**, which is **₦10.5 billion**. The **₦250 million EDTC is not utilized** for that year and is carried forward for up to five years. This ensures the government maintains a minimum level of tax revenue while still promoting targeted investment.

### **Economic Growth and Stimulation**

The EDTI is designed to be a more effective fiscal tool for economic growth. It is specifically tied to verifiable capital expenditure and actual production, not just an approval. This encourages companies to make tangible investments that have a direct impact on the economy. By focusing on industries with high economic multipliers and a clear sunset period for incentives, the EDTI promotes strategic, sector-targeted growth.

In contrast, the PSI's profit-based tax holiday could lead to situations where a company receives an incentive without making a significant or sustained capital investment. The EDTI's focus on **"deployment-tied tax credits"** ensures that the incentive is directly linked to an action that stimulates the economy, such as building a new factory or acquiring new machinery.

To illustrate the fundamental shift from the old Pioneer Status Incentive (PSI) to the new Economic Development Tax Incentive (EDTI), the following examples compare how a company would be treated under each framework.

#### **Example 1: The Tax Credit and Its Utilization**

**Scenario:** A company, "Innovate Nigeria Ltd.," invests **₦500 million** in a new plant to produce a priority product.

##### **1. Tax Credit on Investment and Profit-Based Exemption:**

For the EDTI Framework, Tax Credit on Investment - Innovate Nigeria Ltd. is eligible for an annual tax credit of **5%** of its Qualifying Capital Expenditure (QCE), which is **₦25 million** (5% of **₦500 million**) for a period of five years. The tax credit is directly tied to the verifiable capital expenditure, rewarding the company for a tangible, long-term investment. For PSI Framework, Profit-Based Exemption - The company would have been granted a full exemption from Companies Income Tax for three years, regardless of the scale of the investment. The incentive was not directly tied to a specific investment outlay.

## **2. Utilization:**

For EDTI Utilization, if the company's tax payable for a year is ₦30 million, it can use the ₦25 million tax credit to reduce its liability to ₦5 million. If its tax payable is only ₦15 million, it uses ₦15 million of the credit and can carry forward the remaining ₦10 million for up to five years after the priority period ends. For PSI Utilization, the company would have paid zero income tax during its three-year tax holiday. If it made no profits in a given year, the incentive provided no benefit. There were no provisions to carry forward a "tax holiday" for a year with a loss.

## **3. Sustainable Growth:**

The EDTI encourages long-term planning and sustainable growth by offering a potential five-year extension to the initial priority period if the company reinvests 100% of its profits from the initial period. The PSI was a short-term incentive with a duration of only three years, extendable by two more years. There was no specific provision linking profit reinvestment to the extension of the incentive, and the model did not encourage sustainable economic growth.

### **Example 2: The EDTC and the Effective Tax Rate (ETR)**

**Scenario:** "MegaCorp Plc." is a large company with a turnover of ₦70 billion.

## **4. Minimum Tax Provision and Full Exemption:**

The EDTI framework ensures large companies with a turnover of ₦50 billion or more still pay a minimum tax. The Effective Tax Rate (ETR) is a provision that ensures MegaCorp's final tax payable is the higher of its standard CIT after applying the EDTC or its ETR liability. On the other hand, the PSI was a full exemption from the Companies Income Tax. This meant that a company, regardless of its size, could potentially pay zero income tax for up to five years. There was no minimum tax provision like the ETR.

## **5. Balancing Incentives and Revenue Forgone:**

The EDTC cannot be used to offset any additional tax liability that arises from the ETR computation. This prevents the incentive from acting as a loophole that would allow large, highly profitable companies to pay zero tax, thus aligning with the government's revenue objectives. While under the PSI, the government would have a significant loss of revenue from a company like MegaCorp, as it would have enjoyed a complete tax holiday on its profits. There was no "ring-fencing" or ETR limitation to ensure a minimum tax contribution.

## **6. Unutilized Credit:**

Under EDTI, if the ETR liability is higher, the company pays the ETR amount, and the EDTC for that year is carried forward for up to five years after the priority period ends<sup>16</sup>. This means the incentive is not lost but can be used in a future year when the company's standard CIT is higher than its ETR liability. There was no concept of a "carried-forward" tax holiday under the PSI. The relief was either used (if a profit was made) or lost.

The introduction of the Economic Development Tax Incentive (EDTI) marks a significant and strategic departure from Nigeria's previous fiscal policy, the Pioneer Status Incentive (PSI). The fundamental shift lies in the very nature of the incentive itself: while the PSI was a passive, profit-based tax holiday, the EDTI is an active, investment-based tax credit. This change repositions the incentive from a passive exemption to a performance-based tool for stimulating tangible economic activity.

### **2.8.2 Key Differences in Practice**

The new framework addresses the shortcomings of its predecessor by introducing enhanced features for accountability, measurability, and sustainable growth.

**Nature of Relief and Duration:** Under the old PSI, eligible companies were granted a full exemption from Companies Income Tax for an initial period of three years, which was renewable for two more years. This approach did not directly link the incentive to the scale of the investment. In stark contrast, the new EDTI is directly tied to verifiable Qualifying Capital Expenditure (QCE), providing a tax credit equal to 5% per annum on each eligible QCE for a duration of five years. This period can be extended by an additional five years if the company reinvests 100% of its profits from the initial incentive period, a key provision designed to promote sustained capital reinvestment.

**Fiscal Responsibility and Oversight:** A key advantage of the EDTI is its enhanced transparency and measurability. Unlike the PSI, which was a "blunt" instrument that often led to revenue leakage, the EDTI ensures fiscal responsibility through the Effective Tax Rate (ETR). This critical provision ensures that large companies (those with a turnover of ₦50 billion or more) still pay a minimum tax, which the EDTC cannot be used to offset. The EDTI is also subject to a rigorous, multi-agency certification process involving the NIPC, IID, and FIRS, ensuring greater oversight and accountability.

**Economic Growth and Stimulation:** The EDTI is designed to be a more effective fiscal tool for economic growth. It is specifically tied to verifiable capital expenditure and actual production, not just an approval. This encourages companies to make tangible investments that have a direct impact on the economy. By focusing on industries with high economic multipliers and having a clear sunset period for incentives, the EDTI promotes strategic, sector-targeted growth. In contrast, the PSI's profit-based tax holiday could lead to situations where a company receives an incentive without making a significant or sustained capital investment.

### **2.8.3 Conclusion: A New Era of Targeted Tax Incentives in Nigeria**

In conclusion, the Economic Development Tax Incentive (EDTI) represents a fundamental paradigm shift in Nigeria's tax policy, moving decisively away from the legacy Pioneer Status Incentive (PSI). The PSI, with its upfront tax holidays, often resulted in a complete tax shield for approved companies, regardless of their actual performance or the scale of their investment. This new framework addresses these shortcomings by replacing the profit-based tax holiday with a performance-based, investment-tied tax credit. The new framework addresses the shortcomings of its predecessor.

The EDTI is granted based on verifiable investment outlays, ensuring that companies are incentivized for tangible capital deployment rather than merely for being in a specific sector. This promotes sustainable growth by linking the tax benefit directly to the long-term capital that an entity commits to the Nigerian economy.

The new framework is built on principles of transparency and simplified administration. The clear, step-by-step process—from certification of the "Production Day" to the formal certification of Qualifying Capital Expenditure (QCE)—makes the incentive more predictable and easier for both companies and the tax authority to manage. The requirement for separate tax returns for priority and non-priority products ensures that the financial performance of incentivized activities is tracked with precision.

Ultimately, the EDTI ensures that the tax credit is a precise tool for promoting investment rather than a general tax shield. This is reinforced by the provision that the EDTC cannot be used to offset the additional tax payable under the Effective Tax Rate (ETR) for large companies. This strategic limitation ensures that even the largest corporations continue to contribute a minimum amount of tax to government revenue, aligning the incentive with the broader goal of a robust and equitable tax system. The EDTI provides a more accountable, structured, and targeted approach to stimulating economic development in Nigeria's key priority sectors.

## Chapter 3: Methodology

This paper employs a qualitative, descriptive research methodology based on a legal-doctrinal approach. The analysis is primarily grounded in a comprehensive examination of relevant legislative and administrative documents.

### 3.1 Primary and Secondary Data Sources

The primary source of data is a detailed analysis of the official document outlining the Nigeria Tax Act (NTA) 2025 and the Nigeria Tax Administration Act (NTAA) 2025. This core document analysis is enriched by a review of secondary sources, including official circulars, public notices from government bodies, and expert commentary from reputable tax advisory firms (e.g., PwC, Deloitte, and KPMG), which provide a contextual understanding of the legislation's implications.

### 3.2 Analytical Framework

The research is structured around three core analytical components:

#### 3.2.1 Textual Analysis

This involves a detailed, chapter-by-chapter examination and interpretation of the legal provisions, rules, and concepts presented in the source documents. The study breaks down key elements of the Economic Development Tax Incentive (EDTI) framework, focusing on:

The statutory basis for the Economic Development Tax Credit (EDTC) is provided in Section 177(1) of the NTA 2025.

The administrative and procedural requirements for the certification of "Production Day" and Qualifying Capital Expenditure (QCE) are outlined in Section 173 and Section 179 of the NTA.

The legal provisions governing the Effective Tax Rate (ETR), particularly Section 166(2) and Section 177(2), introduce a minimum tax contribution for large companies.

#### 3.2.2 Comparative Analysis

The EDTI framework is directly contrasted with its predecessor, the Pioneer Status Incentive (PSI), which was governed by the Industrial Development (Income Tax Relief) Act (IDITRA). This comparative approach highlights the strategic shift from a profit-based tax holiday to an investment-based tax credit. The analysis evaluates the efficacy and advantages of the new model in terms of:

**Fiscal Accountability:** Comparing the revenue impact of the PSI's full tax exemption with the EDTI's built-in ETR mechanism.

**Administrative Oversight:** Contrasting the PSI's NIPC-centric administration with the EDTI's multi-agency verification process involving the IID, NIPC, and FIRS.

**Economic Impact:** Assessing how the EDTI's focus on verifiable capital expenditure and long-term reinvestment promotes sustainable economic growth more effectively than the PSI's short-term, profit-focused incentive.

#### 3.2.3 Illustrative Scenarios and Practical Application

To provide practical guidelines to practitioners, companies, tax authorities, and other stakeholders, the methodology employs a series of illustrative examples. These scenarios are designed to translate the complex legal provisions into clear, actionable steps. For instance, the paper uses hypothetical financial data to demonstrate the computation of tax liabilities

and the application of the EDTC in various circumstances, such as when a company's tax is subject to the ETR or when the tax credit must be carried forward.

### 3.3 Conclusion

By integrating these analytical methods, the paper provides a comprehensive evaluation of the EDTI as a robust fiscal tool for economic development in Nigeria, grounded in the specific details and provisions of the governing legislation and supplemented by expert industry perspectives.

## 4.0 Summary of Findings, Recommendations, and Conclusion

Based on the detailed analysis of the Economic Development Tax Incentive (EDTI) framework outlined in the 2025 Nigeria Tax Act (NTA) and the Nigeria Tax Administration Act (NTAA), the following findings, recommendations, and conclusions are presented.

### 4.1 Summary of Findings

This study finds that the EDTI represents a fundamental and strategic improvement over the legacy Pioneer Status Incentive (PSI). The key findings are:

**4.1.1 Shift from a Profit-Based to an Investment-Based Incentive:** The EDTI replaces the PSI's profit-based tax holiday with a tangible, verifiable, investment-based tax credit. This ensures that companies are incentivized for making actual capital deployments, with the tax credit directly linked to their Qualifying Capital Expenditure (QCE) rather than simply receiving an exemption on profits, thus directly stimulating economic activity.

**4.1.2 Enhanced Fiscal Responsibility:** The EDTI, through its interaction with the Effective Tax Rate (ETR), ensures that large corporations with a turnover of ₦50 billion or more still pay a minimum tax. This provision, absent under the PSI, prevents the incentive from being used as a loophole to eliminate tax obligations, a major weakness of the PSI, aligning with the government's fiscal revenue objectives.

**4.1.3 Promotion of Sustainable Growth and Flexibility:** The framework encourages long-term planning by offering a potential five-year extension for companies that reinvest 100% of their profits. The EDTI also allows for the carry-forward of unutilized tax credits for up to five years after the priority period ends, providing flexibility for businesses with low profitability in their early years of operation.

**4.1.4 Increased Transparency and Administration:** The new system is more transparent and accountable. It requires the certification of capital expenditure and actual "Production Day" by government agencies, mandating the filing of separate tax returns for priority and non-priority products, as stipulated in Section 179 of the NTA.

### 4.2 Recommendations

Based on these findings, the following recommendations are presented for policymakers, businesses, and future research:

- I. **For the Government:** Ensure rigorous enforcement of the Effective Tax Rate (ETR) provision to maintain a consistent revenue stream and uphold fiscal responsibility. A public awareness campaign should be launched to educate stakeholders on the shift from PSI to EDTI to ensure a smooth transition and maximize adoption of the new framework.
- II. **For Businesses:** Companies should strategically plan their investments to fully leverage the EDTI's tax credit and its carry-forward mechanism. Understanding how the EDTC interacts with the ETR is crucial for effective tax planning, especially for large

corporations. Businesses should also maintain meticulous records of their Qualifying Capital Expenditure (QCE) to ensure seamless certification.

- III. **For Future Research:** Further studies are needed to evaluate the real-world impact of the EDTI on investment flows, job creation, and economic diversification in Nigeria's priority sectors. It would also be valuable to compare the effectiveness of the EDTI with similar investment-based tax incentive models in other developing economies.

### 4.3 Conclusion

In conclusion, the Economic Development Tax Incentive (EDTI) is a modern, robust, and well-designed fiscal tool that marks a significant evolution in Nigeria's approach to attracting investment. By moving away from the shortcomings of the old Pioneer Status Incentive (PSI), the EDTI effectively links incentives to verifiable capital expenditure, promotes long-term sustainable growth, and enhances fiscal transparency. It is an effective policy mechanism poised to foster economic development, capital deployment, and accountability in Nigeria's key sectors.

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