REPLIES TO QUESTIONNAIRE ON LICENSING

MALAWI

1. Q. What licensing systems exist?
   A. The import and export licensing system provides, by regulation, for the control of the distribution, disposal, purchase and sale and the wholesale and retail prices of any manufactured or unmanufactured commodity or any live animal imported into or exported out of Malawi.

2. Q. Systems
   A. In the case of controlled items, formal applications for licences to either import or export are submitted to the Ministry of Trade, Industry and Tourism for consideration and approval.

3. Q. Goods from which countries?
   A. As in the attached Memorandum for the Information of Importers and Exporters.

4. Q. Purpose of licensing
   A. See 1.(A).

5.(i) Q. Is licensing statutorily required?
    A. Yes.

(ii) Q. May administration change products subject to licensing?
     A. Yes.

(iii) Q. May the Government abolish the system without legislative approval?
      A. No.

6.(i) Q. Is information concerning allocation of quotas published where, to whom?
      A. It has not yet been found necessary to allocate quotas either for exportation or importation of goods except the exportation of tea under global quota.

6.(b)(ii) The maximum licence period is (6) six months.
      (iii) New application is necessary.

6.(c)(i) No specific allocation.
      (ii) None.
      (iii) Not applicable.
(iv) Q. Are names of licences made known upon request to Governments of exporting countries?
A. Yes, upon request, but not as a rule.

6. (d) Q. Time for submission of applications since opening of quotas
A. Applications for licence can be submitted at any time unless specified in the advertisement.

6. (e) Q. Minimum and maximum length of time for processing applications
A. Minimum is 24 hours and there is no maximum limit.

6. (f) Q. Time between granting of licence and of period of importation
A. The minimum and maximum period may be six months or more.

6. (g)(i) Q. Number of administration organs considering applications
A. The Ministry of Trade, Industry and Tourism considers all applications in conjunction with Ministry of Agriculture and Natural Resources and other Governmental bodies in certain cases.

(ii) Q. How many organs does applicant have to approach
A. One, Ministry of Trade, Industry & Tourism.

6. (h) (i) Q. If demand for licences cannot be satisfied on what basis is allocation made.
A. Not applicable.

(ii) Q. Is there a maximum amount per applicant
A. No, but it depends on local demand.

(iii) Q. Provisions for newcomers?
A. Yes newcomers are always considered.

(iv) Q. Examination of applications simultaneously or on receipt?
A. Applications for all licences are examined on receipt.

6. (i) Q. Import licences required in cases of bilateral quotas or export restraint arrangements? If so, are they issued automatically?
A. Not applicable since no bilateral quotas or export restraint arrangements are in operation.

6. (j) Q. If no licence are required, means of supervision of importing country
A. The Department of Customs and Excise does the supervisory work.
6. (k) Q. Are there products for which licences are issued on condition that goods should be re-exported?
A. No.

7. (a) Q. How far in advance of importation must application for a licence be made?
A. Before firm orders for goods and confirmation of shipment are made with suppliers.

7. (b) Q. Can a licence be granted immediately on request?
A. It is possible but varies depending upon the type of goods being imported and the source of supply.

(c) Q. Limitation as to the period of the year during which application for licence and/or importation may be made?
A. None.

(d)(i) Q. How many administration organs consider applications for licence?
A. The Ministry of Trade, Industry & Tourism.

(ii) Q. How many organs must applicant approach
A. One organ.

8. (i) Q. Are applications refused for reasons other than failure to meet the ordinary criteria?
A. Applications may be refused by the responsible authority without any reason or prior notice being given.

(ii) Q. Reason for refusal given to the application
A. Not necessary.

(iii) Q. Right of appeal in case of refusal? To what bodies and what procedure?
A. Yes, in writing to the Minister of Trade, Industry & Tourism.

9. (a)(i) Q. Eligibility of importers to apply for a licence.
A. Any firm, person or institution may apply for a licence.

(ii) Q. System of registration of persons or firms engaged in importation
A. Yes, there is a system for the registration of persons or firms engaged in importing particular commodities.

(iii) Q. Registration fees
A. No registration fees are payable at present.
10. (a) Q. Information required in application
   A. Applicants' name and address, country of 
   origin and supply of the goods: quantity and 
   value, D.T.N. Tariff Heading, Invoice or order 
   number and applicant's signature.

   (b) Q. Documents to be supplied
       A. Supplier's invoices.

11. Q. Documents required upon actual importation
       A. Import licence and the relevant clearing 
       documents, including the combined Bill of 
       Lading and Certificate of Origin of the Goods 
       to be presented to Customs.

12. (a) Q. License fee?
       A. No license fee is payable at present.

   (b) Q. Amount?
       A. Not applicable.

13. Q. Deposit or advance payment?
       A. No deposit or advance payment is required.

14. (a) Q. Period of validity of licence?
       A. The maximum period of validity of import licences 
       is six months, and three months in respect of 
       export licences.

   (b) Q. Possibility of Extension?
       A. There is possibility of extension in cases 
       where it is not possible to import or export 
       the goods within the period stipulated in 
       the licence.

15. Q. Penalty for nonutilization of a licence?
       A. There is no provision for penalising those who 
       do not utilize licences.

16. Q. Are licences transferable between importers?
       A. Licences are strictly not transferable.

17. (a) Q. Are any other conditions attached to the issue 
       of a licence?
       A. None.

   (b) Q. Are there any other conditions attached to the 
       issue of a licence?
       A. Not applicable.

18. Q. Other administrative procedures required prior 
       to importation?
       A. None.
19. (a) Q. Foreign Exchange automatically provided?  
A. Provided when Foreign Exchange Regulations are satisfied in every respect.

(b) Q. Is a licence required to obtain Foreign Exchange?  
A. Yes.

(c) Q. Foreign Exchange always available?  
A. Yes.

(d) Q. Formalities involved?  
A. Applicants or importers apply to the Banks.
**MALAWI**

MEMORANDUM TO THE INFORMATION OF IMPORTERS AND EXPORTERS

*(20TH FEBRUARY, 1976)*

<table>
<thead>
<tr>
<th>PART</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. General information</td>
<td>1</td>
</tr>
<tr>
<td>II. Goods from any source not requiring import licence</td>
<td>3</td>
</tr>
<tr>
<td>III. Goods requiring import licences from all sources</td>
<td>4</td>
</tr>
<tr>
<td>IV. Importation of goods originating in Sterling Territories</td>
<td>7</td>
</tr>
<tr>
<td>V. Imports from countries which qualify for Open General Licence treatment</td>
<td>8</td>
</tr>
<tr>
<td>VI. Countries from which goods must be licensed in every case</td>
<td>9</td>
</tr>
</tbody>
</table>
| VII. Imports of:—  
(i) Second-hand clothing  
(ii) New Military-type clothing and  
(iii) Raw material and machinery for Industrial use. | 10 |
| VIII Other legislation affecting the importation of goods | 11 |
| IX Goods requiring export licences | 12–13 |

***************
Part 1
GENERAL INFORMATION

Warning to Importers

1. Discretion as to issue of import licences

Import licences may be refused by the responsible authority without any reason or prior notice being given. Importers are warned that, in such circumstances, any importer who places a firm order for goods or allows goods to be shipped, without first obtaining an import licence (where such is required) in respect of the particular goods, faces the possibility of financial loss through having to return the goods to their supplier or having them declared forfeit.

2. Period of validity of import licences.

Import licences are issued in most cases for a period of validity extending six months from the date of issue. In case where it is not possible to obtain delivery of the goods within the period of six months, consideration is given to extending licences, on application, provided an adequate and acceptable explanation is given.

At the time of making application for an extension of licence, a letter from the supplier explaining the reason for the delay should be produced.

3. Withdrawal of licences.

Importers should note that, failure on their part to comply with any provision laid down in the various Government Notices (as amended) listed on page 2, or with any condition endorsed on a licence at the time of issue, may constitute grounds for an authority to revoke a licence. Licences may be revoked or amended by the Minister on grounds of national interest.


To avoid subsequent embarrassment importers are urged to approach the Ministry and (clear) the importation of all goods about whose qualification for entry under Open General Licence they have any doubts whatsoever.

Furthermore, unnecessary delays in the processing of applications for import permits would be reduced if all applications were accompanied by a full and accurate description of the type of goods to be imported.

5. Country of Origin

In all cases the determining factor in assessing the need for an import licence is the country of origin and not the country of supply. Importers are, therefore, advised to ascertain from their suppliers the country of origin of the goods so that if an import licence will be required this could be attained, before a firm order is placed to avoid the possibility of financial loss: see 1 above.

Application and enquiries.

Applications for import and export licences and inquiries about import and export controls should be made to:

The Secretary for Trade, Industry & Tourism,
Delamere House,
P.O. Box 944,
BLANTYRE.
6. Statutory Instruments

This memorandum is published for information only and shall not be taken in any way to vary the provisions of the undermentioned notices, which may be amended from time to time.

<table>
<thead>
<tr>
<th>Notice No.</th>
<th>Notice Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 of 1967</td>
<td>Control of Goods (Import and Export) G.N. (Commerce Order, 1967 (as amended)</td>
</tr>
<tr>
<td>31 of 1967</td>
<td>Control of Goods (Import) Open General Licence (as amended) G.N.</td>
</tr>
<tr>
<td>75 of 1967</td>
<td>Control of Goods (Import and Export) G.N. (Agriculture) Order, 1967 (as amended)</td>
</tr>
<tr>
<td>80 of 1967</td>
<td></td>
</tr>
<tr>
<td>124 of 1967</td>
<td></td>
</tr>
<tr>
<td>141 of 1967</td>
<td></td>
</tr>
</tbody>
</table>

7. Importation by private individuals

Private individuals may apply for the private importation of individual articles, where goods are allowed to be imported under quota.

8. Allocation of quotas

Where quotas are provided for the importation of goods the quotas are advertised in newspapers, and application to import against them invited. Allocations are made by the Ministry of Trade, Industry and Tourism.
Goods from any source not requiring import licences.

The following goods, unless otherwise restricted, originating in any country, may be imported without the authority of an import licence:

1. Antifriction and lubricating greases.
2. Motor spirit, including aviation fuels.
3. Lubricating oils.
4. Oils and fuels, illuminating, transformer and insulating types, power and illuminating paraffin.
5. Exposed cinematograph film.
7. Used personal and household effects, imported by a person arriving in Malawi to take up residence or employment therein.
8. Goods, including motor vehicles, temporarily imported into Malawi by a bona fide tourist for his own use.
9. Goods not exceeding a total value of K50 (£25) accompanying a person entering Malawi and intended for a private use of such person or his family.
10. Any bona fide unsolicited gift not exceeding K50 (£25) in value.
11. Samples and advertising materials intended solely for use in the taking of orders, and not for sale.
12. Any goods exported from Malawi for repair and return, and in respect of which a certificate to that effect has been issued by an officer of the Department of Customs and Excise.
13. Goods imported by any person to whom privileges are extended by virtue of any enactment in force in Malawi relating to diplomatic, consular or other privileges, if such goods are imported for his own use and consumption or that of his household, or for the purpose of his office.

************
PART 111

Goods requiring import licences from all sources

The following goods, whatever their country of origin, require the authority of an import licence for their importation into Malawi:

1. Clothing and uniforms, designed for military, naval, airforce or police use.

2. Clothing used, other than the personal effects of an individual, but excluding such articles when manufactured in Botswana.

3. Gold, including:
   (a) Unmanufactured gold in any form whatsoever or
   (b) any article or substance containing such unmanufactured gold; or
   (c) any article consisting of, or containing, gold which, although manufactured is, as such, not a gold coin, an article of commerce, a work of art, or of archaeological interest or
   (d) gold derived from the smelting or treatment or any manufactured article containing gold.

4. Sugar.

5. Wheat flour, excluding flour manufactured in Botswana.

6. Cement.

7. Any knife having a blade which, either—
   (a) opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife sometimes known as a "flick-knife" or "flick-gun", or
   (b) is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a "gravity-knife".


9. Game traps, metal.

10. Mist nets for the capture of wild birds.

11. Wild animals, wild animal trophies and wild animal products, (including birds and reptiles) and any eggs produced by such birds or reptiles.

12. Live fish, including the eggs and spawn thereof.

13. Bees, honey unmanufactured beeswax, foundation comb, used bee-keeping accessories and appliances are subject to an import permit, from countries other than certain specified countries in Africa.
14. Beans but excluding the following—
   (a) seed beans in quantities of less than 200 lbs;
   (b) beans which are tinned, bottled or otherwise
       preserved.

15. Choc.

16. Compound products containing flour, meal residues and
    other preparations of a kind suitable only for use as
    animal foodstuffs but excluding the following—
    (a) Chemical additions to animal foodstuffs;
    (b) Antibiotic growth stimulants;
    (c) inert fillers;
    (d) trace elements;
    (e) synthetic animal foodstuffs;
    (f) bird seed;
    (g) cat and dog foods;
    (h) salt lick for cattle.

17. Eggs of poultry, whether in shell, pulp or dried form;
    eggs of wild birds.

18. Gram, dahl.

19. Groundnuts;

20. Maize, including—
    (a) maize grits;
    (b) maize cones;
    (c) hominy chop;
    (d) maize offals;
    (e) processed maize meal with or without additives.

21. Oil seeds, oil meal, oil cake, offals and residue from
    oil seeds.

22. Potatoes.

23. Live poultry, including day old chicks.

24. Rice, in the grain.

25. Rupoko, rupoko meal (finger millets).

26. Vegetable oil, but excluding almond oil, castor oil,
    coconut oil, linseed oil and olive oil.
28. Bananas

29. Meat:

The importation of all meat, including dressed poultry, is prohibited without permission in writing from the Minister of Trade, Industry and Tourism. The Minister has, however, exempted the following from import control —

- All tinned meat
- All potted meats
- Meat soups
- Meat pies
- Meat pasties
- Edible meat fats
- Tallow
- All cooked meats other than cooked pork cooked ham and cooked bacon.
- All cured meats, other than ham and bacon.

The importation of all animals and other animal products required to be certified as free from diseases before importation.

30. The following goods originating in Rhodesia —

(a) Asbestos;
(b) Iron ore;
(c) Pig iron;
(d) Chrome;
(e) Tobacco;
(f) Copper;
(g) Hides, skins and leather.

31. Stationery

32. Fertilizers

33. Dieldrin

34. Aldrin (Insecticides)

35. Corrugated Iron Sheets

36. Coarse salt.
PART IV

Imports originating in Sterling Territories.

Subject to Parts III and VIII, goods originating in Sterling Territories do not require import licences.

The Sterling Territories are:

- Any of Her Majesty's Dominions other than Canada
- Any other Commonwealth Country
- The Republic of South Africa
- Hashemite Kingdom of the Jordan
- Iceland
- Republic of Ireland
- The State of Kuwait
- United Kingdom of Libya
- Western Samoa.

***************
## Countries granted Open General Licence Treatment

Goods originating in the following countries may be imported under Open General Licence, except where they may be restricted under Part III or Part VIII.

<table>
<thead>
<tr>
<th>Country</th>
<th>Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>Liechtenstein: Principality of</td>
</tr>
<tr>
<td>Argentina</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>Austria</td>
<td>Nagaasay Republic</td>
</tr>
<tr>
<td>Belgium</td>
<td>Mauritania</td>
</tr>
<tr>
<td>Brazil</td>
<td>Mali</td>
</tr>
<tr>
<td>Burma</td>
<td>Monaco, Principality of</td>
</tr>
<tr>
<td>Burundi</td>
<td>Morocco, Sherifian Empire of</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Netherlands, Kingdom of the</td>
</tr>
<tr>
<td>Cameroon</td>
<td>Nicaragua</td>
</tr>
<tr>
<td>Canada</td>
<td>Niger</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>Norway</td>
</tr>
<tr>
<td>Chad</td>
<td>Peru</td>
</tr>
<tr>
<td>Chile</td>
<td></td>
</tr>
<tr>
<td>Congo (Brazzaville)</td>
<td>Portugal</td>
</tr>
<tr>
<td>Cuba</td>
<td></td>
</tr>
<tr>
<td>Dahomey</td>
<td>Rwanda</td>
</tr>
<tr>
<td>Denmark</td>
<td>San Marino</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>Senegal</td>
</tr>
<tr>
<td>Finland</td>
<td>Somalia</td>
</tr>
<tr>
<td>Formosa (Taiwan)</td>
<td>Spain</td>
</tr>
<tr>
<td>France</td>
<td>Sudan</td>
</tr>
<tr>
<td>Gabon</td>
<td>Sweden</td>
</tr>
<tr>
<td>Germany, Federal Republic of</td>
<td>Switzerland</td>
</tr>
<tr>
<td>Greece</td>
<td>Togo</td>
</tr>
<tr>
<td>Guinco</td>
<td>Tunisia</td>
</tr>
<tr>
<td>Haiti</td>
<td>Turkey</td>
</tr>
<tr>
<td>Indonesia</td>
<td>United Arab Republic</td>
</tr>
<tr>
<td>Israel</td>
<td>United States of America</td>
</tr>
<tr>
<td>Italy</td>
<td>Upper Volta</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>Yugoslavia</td>
</tr>
<tr>
<td>Japan</td>
<td>Uruguay</td>
</tr>
<tr>
<td>Korea, Republic of Korea</td>
<td>Vatican City</td>
</tr>
<tr>
<td>Zaire (formerly Congo-Kinshasa)</td>
<td></td>
</tr>
</tbody>
</table>
PART VI

Countries from which goods must be licensed in every case

Subject to Part II goods originated in other countries and their dependencies which are listed below, require import licences in every case.

Applications for licences will be considered on their merits before orders are placed.

Afghanistan
Albania
Andorra
Bhutan
Bolivia
Bulgaria
Columbia
Costa Rica
Eastern Germany
Ecuador
El Salvador
Ethiopia
Guatemala
Honduras
Hungary
Iran
Iraq
Korea (North)
Laos
Lebanon
Liberia

Mexico
Mongolia
Musscat and Oman
Nepal
Panama (including Canal Zone)
Paraguay
People's Republic of China (Peking China)
Philippines
Saudi Arabia
Thailand
Tibet
U.S.S.R. (Russia)
Venezuela
Vietnam (North & South)
Yemen
Czechoslovakia
Poland
Rumania
PART VII

Imports of Second-hand and Military Type Clothing and materials and machinery for industrial use

(i) Used Clothing

Import and Export Company of Malawi Limited are only authorised importers of second-hand clothing. However import licences are freely issued to charitable bodies to enable them to import unsolicited gifts of second-hand clothing.

(ii) Military type Clothing

New Military type clothing of any kind may not be imported. But licences for the following articles will only be issued if the importer produces evidence that he has obtained an order from the Army or Police authorities.

- Belts, waist, leather (Police type)
- Belts (web)
- Camouflage (Police type)
- Helmets (Police type)
- Helmets, Khaki with blue or red pugaree
- Helmets, riot
- Sam Brown belts - blue and brown.

(iii) Raw materials and machinery for industrial use.

The Secretary for Trade, Industry and Tourism is prepared to consider the issue of licences authorising the import into Malawi of any raw material or machinery from any country other than a country listed in Parts IV or V, if the material or machinery is for use in an industry within Malawi. Such applications will be considered on their merits and licences must be applied for before firm orders are placed.

**************
PART VIII

Other legislation affecting the importation of certain goods requiring Import Licences

1. Firearms and Ammunition Ordinance

All applications for permits for the importation of firearms and ammunition and explosives should be made to the Commissioner of Police, P.O. Box 41, Zomba.

2. Dangerous Drugs Ordinance

The importation of certain drugs and poisons is controlled by the Ministry of Health. Applications should be made to the Secretary for Health, P.O. Box 351, Blantyre.

Regulations

Soap

The importation of soap is subject to special regulations set out in the Control of Goods (Importation of Soap) Order, 1967, G.N. 64 of 1967.

Merchandise Marks

The attention of importers is drawn to the provisions of the Merchandise Marks Act, which prohibits the importation of goods bearing forged trade marks or false trade descriptions, or marked with offending marks in terms of the Ordinance. (Act 17 of 1957 and Act 17 of 1959).

Weights and Measures

The attention of importers is drawn to the provisions of the Weights and Measures Act and to the Weights and Measures (Sale of Articles) Regulations, (P.G.N. 273 of 1959), as amended) controlling the sale of certain articles in specified weights.

Protected Flags, Emblems and Names Act, 1967, Act 10 of 1967

This Act provides, that, without the written permission of the Minister, no person shall import or possess for the purpose of sale any article bearing any protected colours or coat symbol or any article on which or in respect of which any title of any patent or any trade mark or design is used in connection with any of the foregoing, or which resembles or is capable of representing any of them.

The Act provides for the safeguard of the dignity of the Head of State, the National Flag, the Armorial Ensigns, the Public Seal, and prohibits the use of any likeness of the President and the word "President", the names, styles and titles of the President, the words "Malawi", "Unity and Freedom", "National", "Republic" and "University".

(Books, newspapers and periodicals do not fall within the scope of the Act).
Goods requiring export licences

The following goods may not be exported without a licence:

1. Implements of war, (other than arms and ammunition), atomic energy materials of strategic value, and items of primary strategic significance used in the production of arms and ammunition and other implements of war:

   - Beryllium
   - Cobalt
   - Tantalum
   - Uranium
   - Lithium
   - Columbite
   - Niobium (columbium)
   - Thorium
   - Germanium
   - Titanium
   - Nickel

   and any materials containing such metals.

2. Petroleum products.

3. Wild animals, wild animal trophies and wild animal products (including birds and reptiles) and any eggs produced by such birds or reptiles.


5. Beans or peas.


7. Sorghums, sorghum meal, sorghum salt.

8. Maize, including —

   (a) Dried maize, on or off the cob;
   (b) Crushed maize, or
   (c) Samp,

   but excluding green maize on the cob.

9. Maize meal, including —

   (a) Maize grits;
   (b) Maize cones;
   (c) Maize offals;
   (d) Hominy chop.

10. Munga, Munga Meal (millet)

11. Oil seeds, oil meal, oil cake.

12. Rice in the grain.

13. Rupoko, rupoko meal (finger millets; gram or dahl).
14. Seeds for planting, in quantities of more than 200 lbs.
15. Unmanufactured tobacco.
16. Live fish, including the eggs and spawn thereof.
17. Crocodile skins.
18. Gem stones, unmanufactured.
20. Cement.