The Malawi Gazette Supplement, dated 18th February, 2022, containing Regulations, Rules, etc. (No. 4A)

GOVERNMENT NOTICE NO. 6

CUSTOMS AND EXCISE ACT

(CAP.42:01)

CUSTOMS AND EXCISE (TARIFFS) (AMENDMENT) ORDER, 2022

IN EXERCISE of the powers conferred by section 83 (1) of the Customs and Excise Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, make the following Order—

1. This Order may be cited as Customs and Excise (Tariffs) (Amendment) Order, 2022. *Citation*

2. The Customs and Excise (Tariffs) Order (hereinafter referred to as the "principal Order") is amended, in Part III of the *First Schedule*— *Amendment of the First Schedule to Cap.42:01 Sub. leg*

   (*a*) in Column 9, by deleting the entries under the following tariff subheadings and substituting therefor, the entry "Free"—

   (i)   "5%" under tariff subheadings—

   48131000; 48132000; 90106000;

   (ii) "10%" under tariff subheadings—

   11022000; 11029000; 11071010; 11071020; 11071030; 11071090; 12101090; 68071000;

   (iii) "15%" under tariff subheadings—

   02101200; 02101900; 02102000; 02109100; 02109900; 04052000; 04059010; 04059090; 04061000; 04062000; 04063000; 04064000; 04100000; 06031900; 06039000; 07101000; 07102100; 07102200; 07102900; 07103000; 07104000; 07108000; 07109000; 07115100; 07115900; 07119000; 07122000; 07123100; 07129000; 07131090; 07132090; 07133190; 07133290; 07133390; 07133990; 08011900; 08012200; 08013200; 08021200; 08022200; 08023200; 08041000; 08042000; 08043000; 08044000; 08045010; 08045020; 08045030; 08051000; 08052000; 08052100; 08052200; 08052900; 08054000; 08055000; 08059000; 08062000; 08071100; 08071900; 08072000; 08083000; 08093000; 08094000; 08105000; 08109010; 08109090; 08112000; 08119000; 08121000; 08131000; 08132000; 08133000; 08134000; 08135000; 09012100; 09012200; 09019000; 09024000; 09030000; 09041200; 09101200; 09103000; 09109100; 11031300; 11031900; 11041200; 11041900; 11042300; 11042900; 11061000; 11081290; 12129900; 15089010; 15089090; 15099010; 15099090; 15100010; 15100090; 15122900; 15131900; 15149100; 15149900; 15151900; 15152900; 15180000; 16010000; 16022000; 16023200; 16024900; 16025000;

16029000; 17011310; 17011320; 17011390; 17011410;
17011420; 17011490; 17019910; 17019990; 17031000;
17039000; 17041000; 18040000; 18050000; 18061000;
18062000; 18063200; 19052000; 19053200; 19054000;
19059010; 20011000; 20019000; 20021000; 20029010;
20029090; 20031000; 20039000; 20049000; 20051010;
20051090; 20054000; 20055100; 20055900; 20056000;
20057000; 20058000; 20059900; 20060000; 20071010;
20071090; 20079900; 20081900; 20082000; 20083000;
20084000; 20085000; 20086000; 20087000; 20088000;
20091100; 20091200; 20091900; 20092900; 20093100;
20094900; 20095000; 20096100; 20096900; 21011200;
21012000; 21013000; 21021000; 21022000; 21023000;
21033000; 21041000; 22041090; 22042110; 22042190;
22042900; 22043010; 22043090; 22059090; 22060091;
22060099; 22071090; 22072090; 22082019; 22083010;
22084090; 22085029; 22085099; 22086090; 22089090;
22090000; 24011014; 24013000; 24031910; 24031920;
24031930; 24039100; 32071010; 32081010; 32081090;
32082010; 32082090; 32089010; 32089090; 32100010;
32100090; 32129010; 32129090; 32159010; 32159090;
33030010; 33030020; 33030090; 33049110; 33049190;
33049930; 33049990; 33051000; 33052000; 33053000;
33059010; 33059090; 33062000; 33069000; 33071000;
33073000; 33074900; 33079090; 34012010; 34012090;
34013010; 34013020; 34051000; 34052000; 34053000;
34054000; 34059000; 34060000; 34070010; 35061000;
36050000; 37071000; 39173910; 39173920; 39173990;
39221000; 39222000; 39229000; 39231090; 39232920;
39232990; 39234090; 39241000; 39249010; 39249020;
39249030; 39249040; 39249090; 39251000; 39259010;
39259090; 39261010; 39261090; 39262010; 39262090;
39269010; 40082900; 40121200; 40121900; 40129010;
40129090; 40149010; 40149090; 40159010; 40159020;
40159090; 40161010; 40161090; 40169500; 40169910;
40169920; 40169990; 42021200; 42022900; 42023100;
42029200; 42031000; 42031000; 42032100; 42032910;
42032990; 44101900; 44109000; 44111200; 44129900;
44181010; 44181090; 44182000; 44190000; 44219090;
46029000; 48182010; 48182020; 48182090; 48183000;
48189010; 48189090; 48202000; 48203010; 48203090;
48209000; 48236100; 48236910; 48236990; 48239090;
49100000; 52071000; 52081100; 52081300; 52121200;
56012190; 57023100; 57050000; 61091000; 61099000;
62034300; 62041200; 62079900; 62149010; 62149090;
63031900; 63062200; 63064000; 63069000; 63071000;
63079010; 63079020; 63079030; 63079040; 63079050;
63079060; 63079090; 63090000; 64019910; 64019929;
64029910; 64029920; 64029930; 64029940; 64029990;
64031910; 64031990; 64039110; 64039120; 64039130;

69101010; 69101090; 69120000; 70031200; 70031900;
70032000; 70072990; 70099100; 70132800; 70133700;
71069210; 71069290; 73083000; 73102910; 73102920;
73102930; 73102990; 73130010; 73141910; 73141990;
73142000; 73144100; 73145000; 73160000; 73209000;
73211110; 73211190; 73218100; 73231010; 73231020;
73231090; 73239310; 73239390; 73239910; 73239990;
73242900; 73249000; 73261990; 76072010; 76109010;
76109020; 76109030; 76109040; 76109050; 76109060;
76109090; 76151010; 76151020; 76151090; 76169990;
82121000; 82122000; 82130090; 82149000; 83013010;
83013090; 83024100; 83024200; 83024990; 83025000;
83026000; 83030010; 84099110; 84141090; 84142000;
84211120; 84212120; 84702100; 84732100; 84831090;
84832090; 84833090; 84834030; 85061000; 85063000;
85064000; 85065000; 85066000; 85068090; 85078090;
85079000; 85086000; 85131090; 85163100; 85182200;
85184000; 85211010; 85211090; 85279100; 85287211;
85287212; 85287219; 85287221; 85287229; 85319010;
85319090; 85392290; 85401100; 87021054; 87029054;
87081000; 87084000; 87085000; 87141000; 87164000;
90071000; 90085010; 90085020; 90085090; 90268010;
93052000; 94018010; 94018030; 94018090; 94037010;
94037020; 94037090; 94038910; 94038990; 94039010;
94039090; 94042110; 94042190; 94042910; 94042990;
94051010; 94051020; 94051040; 94051090; 95045000;
96031010; 96032100; 96032900; 96033010; 96033090;
96034000; 96035010; 96035090; 96039000; 96040000;
96050000; 96082010; 96082020; 96082090; 96083000;
96091000; 96100010; 96100090; 96121000; 96138010;
96138090; 96161000; 96170000; 96180000;

(iv) "25%" under tariff subheadings—

20098100; 33049910; 40122010; 40122020; 70052900;
85181090; 90262010;

(*b*) by deleting the words "Maheu maize drink" under tariff subheading 2202.99.20 and substituting therefor, the words "Drinks made from cereals such as maize, sorghum or millet, etc";

(*c*) by inserting, immediately after tariff subheading 2206.00.91, a new tariff subheading 2206.00.92, with the entries as shown hereunder—

2	3	4	5	6	7	7A	8	9	10	11	12
2206.00.92	---Fermented sweet tea	kg	30%	25%	6%	15%	Free	15%	10%	16.5%	3%

(*d*) by deleting entries "Free" and "Free" in Columns 5 and 6 under tariff subheading 2905.45.00 and substituting therefor, entries "15%" and "10%", respectively;

(e) by deleting entries "30%", "25%" and "25%" in Columns 5, 6 and 10 under tariff subheading 4012.90.10 and substituting therefor, entries "Free", "Free" and "Free" respectively;

(f) by deleting tariff subheading 8418.29.00 and the corresponding entries in columns 2,3,4,5,6,7,7A,8,9,10,11 and 12 and substituting therefor, tariff subheadings 8418.29.10 and 8418.29.90 as shown hereunder—

2	3	4	5	6	7	7A	8	9	10	11	12
8418.29.10	---Solar refrigerators	kg	Free	Free	4%	30%	Free	Free	Free	16.5%	3%
8418.29.90	--Other	kg	30%	25%	4%	30%	Free	Free	20%	16.5%	3%

(g) by deleting entries "Free" and "Free" in Columns 5 and 6 under tariff subheading 8480.71.00 and substituting therefor, entries "15%" and "10%", respectively;

(h) by deleting entries "Free" and "Free" in Columns 5 and 6 under tariff subheading 8480.79.00 and substituting therefor, entries "15%" and "10%", respectively;

(i) by deleting entries "30%" and "25%" in Columns 5 and 6 under tariff subheading 9405.10.20 and substituting therefor, entries "Free" and "Free", respectively;

(j) by deleting entries "30%" and "25%" in Columns 5 and 6 under tariff subheading 9405.20.30 and substituting therefor, entries "Free" and "Free", respectively;

(k) by deleting tariff subheading 9619.00.00 and the corresponding entries in columns 2,3,4,5,6,7,7A,8,9,10,11 and 12 and substituting therefor, tariff subheadings 9619.00.10 and 9619.00.20 as shown hereunder—

2	3	4	5	6	7	7A	8	9	10	11	12
	-Sanitary towels (pads) and tampons, napkins and napkin liners for babies and similar articles, of any material..										
9619.00.10	---Sanitary towels (pads) and tampons	kg	Free	Free	Free	15%	Free	Free	-	16.5%	3%
9619.00.90	--Other	kg	15%	10%	Free	15%	Free	Free	-	16.5%	3%

(*l*) by inserting, in numerical sequence under Section XXII, the following new notes—

(i) Note 3A—

"3A. (*a*) On disposal of a motor vehicle under any Customs Procedure Code, except for direct exportation, to a person not entitled to duty free admission of such motor vehicle, the value for duty purposes of the motor vehicle shall be depreciated at the following rates—

YEARS AFTER IMPORTATION	RATE
0 - 1	5%
1 - 2	15%
2 - 3	45%
3 - 4	55%
4 - 5	70%
5 - 6	80%
6 - 7	90%
7 - 9	95%

(*b*) For the purposes of this Part, a motor vehicle that has been used for ten years or more in Malawi may be disposed of duty free.";

(ii) Note 11—

"11. On application or use of a Customs Procedure Code, a privileged organization shall be required to submit clearance certificates issued by the Domestic Taxes division confirming that the organisation has no outstanding tax liabilities:

Provided that this requirement shall not apply to individuals or government departments.";

(*m*) by deleting, under Customs Procedure Codes 4000.447 and 4071.447, the word "retired" between the words "use of the" and "President" and substituting therefor, the word "former";

(*n*) by deleting, under Customs Procedure Codes 4000.449 and 4071.449, the word "retired" between the words "use of the" and "Vice President" and substituting therefor, the word "former";

(*o*) under Customs Procedure Codes 4000.489 and 4071.489—

(i) by deleting the word "and" after the words "AAC/PVC" and before the word "electricity"; and

(ii) by inserting the words "and spare parts for machinery for electricity generation and distribution," after the word "meters" and before the word "imported"; and

(*p*) under Customs Procedure Codes 4000.496 and 4071.496—

(i) by deleting the word "and" after the words "Chief Research Officer" and before the word "Chairman";

(ii) by inserting the words "retired Chief Justice, retired Speaker of the National Assembly and retired Deputy Speaker of the National Assembly" after the words "Election Commission"; and

(iii) by inserting a new note as follows—

"NOTE:

Where a person has been entitled to duty free admission under this CPC, the person shall not be entitled to another duty free admission under this CPC within the subsistence of the 5 years, even where the person changes offices but continues to be eligible for duty free admission under this CPC.".

Amendment of Fifth Schedule to the principal Order

3. The principal Order is amended, in Part III of the Fifth Schedule, by—

(*a*) deleting the entry "10%" under tariff subheading 63.01 and substituting therefor the entry "20%"; and

(*b*) by adding, a new entry as follows—

HS Code	Description	Rate
9608.10.00	Ball point pens	10%

Made this 18th day of February, 2022.

S. A. GWENGWE
Minister of Finance and Economic Affairs

(FILE NO.C/RD/6/3/3/21)

GOVERNMENT NOTICE No. 7

CUSTOMS AND EXCISE ACT

(CAP 42:01)

CUSTOMS AND EXCISE (AMENDMENT) REGULATIONS, 2022

IN EXERCISE of powers conferred by section 175 of the Customs and Excise Act, I, SOSTSEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, make the following Regulations—

Citation

1. These Regulations may be cited as the Customs and Excise (Amendment) Regulations, 2022.

Amendment of regulation 145 to Cap. 42:01 sub. leg. p.79

2. The Customs and Excise Regulations (hereinafter referred as the "principal Regulations") are amended, in regulation 145, by deleting the word "K15,000" and substituting therefor, the word "K20,000".

3. The principal Regulations are amended, in the Eighth Schedule in Part I— Amendment of Part 1 of the Eighth Schedule of the principal Regulations

(a) by adding, under paragraph 3, new sub-paragraphs (2), (3), (4), (5) and (6) as follows—

"(2) An applicant for registration under sub-paragraph (1) shall be registered under the following categories—

(a) small scale manufacturing for manufacturers whose annual turnover does not exceed K50, 000, 000.00. An applicant in small scale manufacturing shall demonstrate a manufacturing process with a value addition of at least 5%;

(b) essential produce manufacturing for manufacturers of medicaments and pharmaceuticals, fertilizer and technology manufacturing industries. An applicant in essential produce manufacturing shall demonstrate a manufacturing process with a value addition of at least 5%;

(c) local market manufacturing for manufacturers of goods for the local market. An applicant in local market manufacturing shall demonstrate a manufacturing process with a value addition of at least 10%; and

(d) export market manufacturing for manufacturers of goods for export. An applicant in export market manufacturing shall demonstrate a manufacturing process with a value addition of at least 35%.

(3) A manufacturer shall be registered under small scale manufacturing or local market manufacturing for a maximum period of ten years, whether continuous or intermittent.

(4) A manufacturer shall be registered under export market manufacturing for a maximum period of fifteen years, whether continuous or intermittent.

(5) Where a manufacturer registered under small scale manufacturing or local market manufacturing demonstrates a manufacturing process with a value addition of at least 35%, he may be registered under export market manufacturing.

(6) In any case, either a registration under one category or where the manufacturer moves from one category to another, a manufacturer shall not be registered for rebate of duty for a period exceeding fifteen years, whether continuous or intermittent.".

Made this 18th day of February, 2022.

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S. A. GWENGWE
Minister of Finance and Economic Affairs

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(FILE NO.C/RD/6/3/3/21)