The Business Registration Guide for Malawi











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LIST OF ABBREVIATIONS

	BRC	Business Registration Certificate
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- **DRG** Department of the Registrar General
- GIZ German Development Agency
- MWK
 Malawi Kwacha
- MoT Ministry of Trade
- Mol Ministry of Industry
- MRA Malawi Revenue Authority
- PAYE Pay As You Earn
- SMEDI Small and Medium Enterprises Development Institute
- TPIN Tax Payer Identification Number
- VAT Value Added Tax

GLOSSARY

Boma

The administrative and economic centre of a district, where the local city council or district council is located.

Business name

The title or brand name under which any business is carried on, whether individual in partnership or otherwise.

Corporate body

A firm whose oversight is provided by a board such as a trustee or an NGO, which is not a natural person and has separate legal identity, usually the proceeds of such a business fund the activities of such a body.

Partnership

Partnership is the relationship, which is arranged by people to carry out business in common with a view to make and share profits.

Small and Medium Enterprises (SMEs)

Businesses whose employment numbers, revenues or value of assets fall below or a certain threshold, which will characterise large businesses as defined in the country of operation. For Malawi an SME is a business employing less than 100 people, less then K500,000,001 in turnover p.a. and maximum assets of K250,000,000 (excluding land and buildings for manufacturing companies).

Personal ID

A government issued identification (ID) card or certificate, which proves that the applicant is indeed who they say they are.

Registered business

A business, which has submitted their registration forms to the DRG, city or district council offices, paid their registration fees and has received their business registration certificate and unique business identification number. This definition does not include businesses whose registration certificate has expired.

Sole proprietorship

A business carried out by an individual operator.

Tax

A mandatory contribution to state revenue, charged by the government on income and business profits, or added to the cost of some goods and services. This revenue is used to finance essential services like schools, hospitals, roads as well as other government activities.

OBJECTIVE OF THE GUIDE

This guide describes the basic steps that one needs to take in order to register a business. The guide covers the steps in registering three types of businesses: sole proprietorship, partnership and corporate body. In addition, the guide highlights the importance and advantages of registering a business, as well as dispelling a few myths. All information, rates, fees etc. are as of October 2021.



STRUCTURE OF THE GUIDE

The remainder of the guide is organized as follows:

- BASICS OF REGISTERING A BUSINESS
- BUSINESS LICENSE
- MALAWI REVENUE AUTHORITY (MRA) AND TAX
- MYTHS AND FACTS ABOUT REGISTERING A BUSINESS AND TAXES
- USEFUL CONTACTS

BASICS OF REGISTERING A BUSINESS

What is a business?

"Business" includes every form of trade, commerce or manufacture, craftsmanship, calling, profession, vocation or occupation or any other activity carried on by a person for the purposes of gain or profit.

Why register a business?

The laws of Malawi under the "Business Registration Act 2012", requires citizens who are running a business to formally register with the Department of the Registrar General (DRG). It is to the benefit of every citizen that businesses are properly registered using a standardised system, which protects the rights of both the business owners and consumers. Apart from the DRG, businesses are also required to register with other authorities for different purposes, some of which have been highlighted in this guide.

ADVANTAGES OF REGISTERING A BUSINESS

Applying for a loan or grant



If one needs start-up capital or a loan to boost their business, it is important to have a Business Registration Certificate (BRC) because it signals to the banks that you have a registered business and that your business actually exists. Additionally, having business records and paying taxes make a good impression on financial institutions.

Opening an official business bank account



It is most professional to present your clients with a formal bank account, which they can make payment to. In order to open a formal business account, all banks require a BRC.

Hiring employees



Good and highly qualified employees prefer to work with registered businesses because this guarantees them access to fair labour conditions. Additionally, being a registered business allows the employer to gain access to group life insurance services for employees, which can otherwise not be obtained without a BRC.

Attracting bigger clients and investors



Investors and international clients are more likely to put their money into a business with a valid business certificate as it shows legitimacy. If a business is not registered "it officially does not exist" and no reputable company will work with this kind of business.

Branding and marketing



If you want to distinguish your brand from others, it can only be done by having a distinctive business name. Registering your business gives you a legal guarantee that your unique brand cannot be copied by others.

Business development services



Businesses require support in capacity building, linkages to finance, markets and other forms of support. Institutions that offer such support like SMEDI are comfortable to work with registered businesses as this is a demonstration of seriousness on the part of the business owner.

Getting insurance



In order to avoid total loss in case of emergency a business should have insurance. Insurance companies, however cannot sell insurance to a business that "officially does not exist", this would be done at a great risk for them.

Access to government procurement systems



The Public Procurement and Disposal of Assets Authority (PPDA) gives opportunity to businesses to supply goods and services to government departments and ministries. For a business to qualify for access to this system it needs to be registered. In addition, businesses cannot be paid for any successful government tender without a valid PPDA certificate.

WHO CAN REGISTER A BUSINESS?

Any individual, partnership or corporate body (e.g. private companies, NGO and trusts) can register a business. However, legal age, status of residency for foreigners and other requirements need to be checked when one wants to register a business.

How can I register my business?



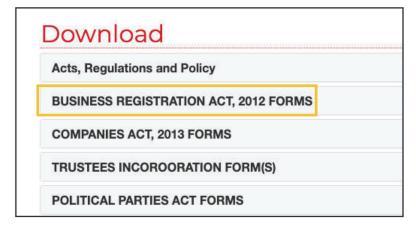
Registration of business is done by the DRG, under the Business Registration Act of 2012. Where the Registrar is satisfied with the particulars of registration provided by a business, a certificate bearing the full name of the applicant and business registration number is issued.

Business registration forms can be downloaded from the website of the Department of the Registrar General: https://www.registrargeneral.gov.mw/

On the home page of the website, navigate the mouse to the **"Download"**-button as illustrated below:



Left-click the mouse on the **"Downloads"** button to navigate to the **"Downloads"** window. Next left-click on the option **"Business Registration Act. 2012 Forms"**:



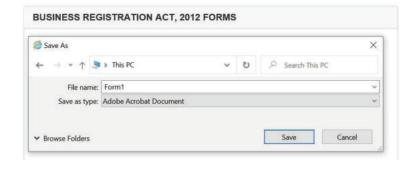
Next navigate the mouse to the form which you would like to download as shown below. For this example, the relevant form is "Form 2 – Application for partnership".



Right-click the mouse, and you will get a menu of options. Select the **"Save link** as..." option as shown below:



You can now save the form to your computer, in the directory or folder of your choice by clicking the "Save" button. Since all forms come in a ".pdf" format, you will need to print them out. Fill them in by hand for submission.



Alternatively, the business registration forms can be collected from any one of the regional DRG offices (Mzuzu, Lilongwe, and Blantyre).

Note: Business registration typically takes 3 to 5 working days if done in person or 2 weeks if sent through post.

LEGAL STRUCTURE OF A BUSINESS

A business can generally be one of three types: sole proprietorship, partnership or a corporate body. The business owners should determine the structure of their business before they make an application for a business certificate. Applications should be made to corresponding forms:

Form 1: Sole Proprietorship

A business, which is run by an individual. The business can be governed by a trust or a board, but all the costs resulting from any business debts are the responsibility of the individual whose name the business is registered under.

Form 2: Partnership

A partnership is a collaboration by a minimum of two (2) and maximum of twenty (20) partners, carrying on business in common with a view to make profit. Partners can have equal shares in the business or they can hold a percentage of shares according to their preference. All partners are liable for business operations in accordance to their shares.

Form 3: Corporate Body

A business that is run under the authority of a body, for example an NGO or a Trust.

CONSIDERATION

Rules for selecting a business name

The "Business Registration Act of 2012" guides entrepreneurs on how to choose an "appropriate name" for their business. Keywords such as: "Government", "Malawi", "National", "President", "City", "Municipality" or "Council"; Or any other word, which is likely to suggest, that the entrepreneur enjoys the patronage of the Government, or has connections with a local authority in Malawi or elsewhere, should be avoided unless otherwise approved by the Minister of Justice in Malawi.

HOW TO FILL IN THE REGISTRATION FORM

Form 1: Sole Proprietorship

Part A of the sole proprietor from consists of three parts and should be filled out as illustrated below:

Personal Information

(Re	egulation 3(2)(a)) Form 1	
A	PPLICATION BY A SOLE PROPRIETOR FOR REGISTRATION OF BUSINESS PART A. Full name of applicant: Mphatso Banda	If you
	Previous Names (if any: Not applicable (N/A)	middle includ
	Phone Number. 0999 999 xxx Email mphatsobanda@mybusiness.com	
2.	*National Identification Number/Passport number/Driving licence Number/other: MOOJOOPB	
	Date of Issue: 20 Jun 2020 Date of Expiration: 20 Jun 2025	Use Gove
	Date of Birth: 03 / 06 / 1985	issu
3.	Plot Number: 850 Area: 25	
	City/Town: Lilongwe	
	Origin Home: Village Mtonya	
	T/A Kasumbu District Dedza	

p:

have name(s) e here

> Tip: official rnment ued ID

Business Information

4.	Busin	ness carried on:
	(a)	Name under which business is carried on (in order of priority)
		1. Mphatso Investments
		2 MB Enterprise
		3. Banda and Sons
	(b)	Physical address of place of business: Area.25
	(c)	Business Postal Address Private Bag 0000, Lilongwe 3
	(d)	Description and nature of business: Retail business
	(e)	Number of employees (or projected). Two (2) employees
	(f)	Commencement Date: 01/07/2020

- **a.** Name under which carried on (in order of priority preference): List three suggested names for your business in the spaces provided here. The first listed name (number 1), will be the first priority to be used in assigning a business name. Please follow naming conventions provided in the previous section.
- **b.** Physical address of place of business: The geographical location of business. If, operating from home, indicate your home address here.
- c. Business postal address: An address through which you can receive physical mail.
- **d. Description and nature of business:** Indicate types of services and/or goods are provided by your business.
- **e. Number of employees (or projected):** If you have paid workers or plan to in the future, indicate the (projected) number here.
- f. Commencement date: The date of starting business.

Certification

CERTIFICATE OF APPLICANT
I certify that the particulars set out in this application are true and that I have no partner(s) in the said business.
Date: 05/07/2020 Signed: Manda
PART B.
FOR OFFICIAL USE ONLY.
Approved/Rejected:
If rejected, reason for rejection:
Name of Officer:
Signature:

Certify Application: Give assurance that all the information you have written in the form is correct and true. To certify you fill in the date of signing and put down your signature.

Part B of all the forms (1, 2 and 3) must not be filled, leave it blank. This is for official use by the DRG.

Form 2: Partnership:

Part A of form 2 is slightly different from form 1, because the business information comes before the personal information. Personal information should be listed for each and every partner

- 1. Business carried on: To fill this section, refer to "Business Information" section in Form 1 above.
- 2. Partners/Principal officer: To fill this section, refer to "Personal information" section in Form 1 above. Fill this for each partner.

*Note: The official form provided only has space for details of four partners. You may attach a separate sheet indicating the details of each partner, up-to twenty, in the provided format and attach it to your application..

Name	Postal Address	Phone No.	% of Shares	Signature
Chimwemwe Banda	P.O. Box 50, LL	0888 888 9xx	30%	Chimbanda
Chikondi Mkandawire	P/Bag 20, BT	01 777 6xx	30%	Thepaper
Madalitso Jailosi	P.O. Box 30, MZ	0999 777 8xx	40%	MJayosi

3.	Business partner shares information: List business partner information as shown	above.
5.	Business partner snares information: List business partner information as snown	aı

CERTIFICATE OF APPLICANT
I certify that- (a) the particulars set out in this application are true; and (b) (where the business is a partnership) I have listed all the partners of the business.
Date:
Authorized Signatory:
Name in block letters:
Designation within the partnership or other body incorporate: (i.e. partner (if a partnership)/principal officer) *Delete as appropriate.

4. Certify Application: The form must be certified and any one of the partners can do it. Designation should be filled with the position within the business, of the partner who is signing the form.

Form 3: Body corporate:

These instructions are for all bodies which are incorporated in Malawi:

1. Details of body corporate:

(Regulation 3(3)

Form 3

APPLICATION BY A BODY CORPORATE UNDER SECTION 24(2) OF THE BUSINESS REGISTRATION ACT

PART A

1. If body corporate is incorporated in	ı Ma	lawi:
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Directors Information:

(g)

(a)	Name of body corporate: Rural Growth Organisation (RGO)
(b)	Postal and Physical Address of registered office: P.O. Box 12, Machinga
(c)	Date of incorporation: 01/01/2010
(d)	Registration No: MW000J00K
(e)	Business name (if any). Achikumbe Enterprise
(f)	ISIC Code(s) N/A

FULL NAME	POSTAL ADDRESS	OCCUPATION	SIGNATURE
Jane Chirwa	P/Bag 6, BLK	Director, RGO	Farnes)

- a. International Standard Industrial Classification ISIC code(s): Applies to companies; indicate not applicable (N/A) where it does not apply.
- b. Directors Information: To fill this section, as illustrated above

(h) Shareholders Information:

FULL NAME	POSTAL ADDRESS	OCCUPATION	SIGNATURE
Blessings Banda	P/Bag 11, BT	Business person	BlBanda
Hope Manda	P.O. Box 31, LL	Farmer	Manda

- c. Shareholders Information: To fill this section, as illustrated above
- 2. Charities or not for profit body corporate in Malawi (can be filled same as section 1 above)
- 3. Bodies not incorporated in Malawi (Not applicable for the purposes of this guide)
- 4. Business carried on:

Name under which carried on; Address of place of business: Description and nature of business and; ISIC code(s), should be filled as in "item 4; business information in Form 1".

Certification of the form must be done by the director/executive secretary/manager of the body corporate.

Other required documents

To support the business registration application, make sure you attach the following supporting documents:

- **Proof-of-payment:** A registration fee of MWK10,000.00 (Ten Thousand Kwacha) must be made. All payments are processed through the bank, which is located within the registrar's offices in Blantyre and Lilongwe, if business is being registered in Mzuzu, payment details will be provided by the registrar's office. Currently all payments can only be made manually.
- A copy of valid Personal ID

Extra fees for optional services from the DRG

- Courier service: Should the applicant wish, the certificate can be sent to them via courier at an extra cost of MWK 2,000.00 (Two Thousand Kwacha)
- **Certificate copy:** An extra copy of the business registration certificate can be obtained at MWK10,000.00 (Ten Thousand Kwacha).

Collection of the business certificate

When all conditions above are satisfied and the DRG under its discretion decides to issue a BRC to the applicant. It can either be collected in person or it could be sent via courier, if prior arrangement were made (as indicated in extra fees for optional services above).

The certificate always has the following features:

- Government coat of Arms
- The business registration number (MBRS0000000);
- The full name of the applicant;
- The business name;
- If any International Standard Industrial Classification (ISIC) code;
- The address of business and any other place where the business is to be carried on;
- Distinctly indicated is the date of issue or renewal;
- An official stamp by the Registrar and;
- A signature by the Registrar.

Renewal of business certificate

All business certificates expire within three years of registration unless they are actively renewed. The business is required to submit a renewal application at least 21 days before the expiry date.

The renewal process can be done through the DRG, as follows:

- 1. Using instructions given on page seven (7) of this guide, download "Form 7 Renewal of Business registration" or collect the form from the registrar's office.
- 2. Pay a processing fee of MWK 10,000.00
- **3.** Fill in the form and submit together with backing documents (copy of personal ID and proof of payment).
- **4.** Failure to renew the business in time attracts a penaulty of MWK 25,000.00, which is payable in addition to the processing fee.

DO YOU NEED SUPPORT WITH BUSINESS REGISTRATION?

Small and Medium Enterprise Development Institute (SMEDI)



The office of the registrar general works hand-inhand with SMEDI to register businesses in both urban and rural areas. SMEDI is an arm of the Ministry of Industry (MoI). They have seven offices all over the country, two in Lilongwe and Blantyre, and one each in Dowa, Mzuzu and Phalombe.

Among many services provided, SMEDI raises awareness about the business registration process, including the advantages of registering a business. They team-up with the office of the registrar general to offer door-to-door business registration services. Such services are offered after mass sensitisation campaigns through community gatherings and community radio programmes where they announce dates for registration events. Since the coming in of

COVID-19, SMEDI does individual or direct sensitization to business owners.

All business registration forms submitted to SMEDI are forwarded to the DRG, which then issues a certificate and sends it back to SMEDI. The business owners can then, arrange collection of their certificate from the trade officer in the relevant districts or from one of SMEDI's field officers.

Businesses that choose to register through SMEDI, must take note that they too only need to pay the standard MWK 10,000.00 fees, which can be given directly to the SMEDI officer (upon verification through company identity card), who will make the bank deposit on behalf of the applicant upon delivery of the forms or if the applicant already made the deposit direct into DRD account, the copy of the deposit slip will be tendered. SMEDI does not charge any extra fees for their support on business registration.

Assistant Trade Officer (ATO)

The Ministry of Industry is represented at most district councils by District-based Trade Officers or Assistant Trade Officers who are a great source of information and have the ability to be a comprehensive referral to the DRG office for anyone who wishes to register their business.

BUSINESS LICENSE

All businesses are required to have business license(s) from the Local City Council/District Council Office located at the headquarters or Boma of every district, to certify their operation. These licences are different from the business registration certificate described in Section II. The types of licenses required by each business depends on the type of commercial activity being carried out. A wholesaler has a different license from a retailer. Likewise, industrial licences, fees and procedures depend on the types of goods being manufactured. Each business needs a sector specific licence for the type of industry it is operating in from boards or councils in that specific sector e.g. construction businesses need a license from National Construction Industry Council (NCIC) or a lodge requires a licence from the Tourism Council.

Moreover, some businesses need several specific licences if they have a cross-cutting or multi-sector business. If a business has its own premises, it additionally needs to get a business license for each geographical location of operation, this is valid for a year. For example, a restaurant needs a license for each restaurant building where it operates, and a food license for the industry within which it operates. Traders who operate from trading markets are a special case, they do not need a licence because they must pay daily market fees even though they can choose to pay for an annual licence once off.



+ Tax



Who should pay tax?

All businesses are required to pay taxes according to prevailing rates set by Ministry of finance, regardless of the nature of the business or its location. The business needs to present at MRA to formally register and they are issued a taxpayer identification number (TPIN). Registration for a tax can be done free of charge at any of the MRA offices, which are present in any districts in the country. The applicant needs to go to the MRA office where they can express their interest in getting a certificate. They are given the appropriate forms to fill out, to which they must attach their business registration certificate and a copy of their personal ID. The registration for tax generally takes three to five days if done in person. Tax registration can also be done through the MRA website through a portal called Msonkho online. Business will fill in forms online as well submit relevant documents, following which, a TIN will be issued. Further information: can be accessed on the MRA website www.mra.mw or at the nearest MRA office.

An example of tax from business income is presumptive tax which, MRA levies on businesses whose annual incomes fall below to K12,500,000.00 (Twelve Million Five Hundred Kwacha Only) This tax replaced the old turnover tax, which was previously being levied to businesses whose turnover was below K10,000,000.00 (Ten Million Kwacha). Presumptive tax is charged as follows:

Annual Turnover	Annual Rate	Quarterly Rate
K0 – K4,000,000	0	0
K4,000,001 – K7,000,000	K110,000	K27,500
K7,000,001 – K10,000,000	K170,000	K42,500
K10,000,001 - K12,500,000	K225,000	K56,250

Also, businesses that have employees who are paid salaries beyond MWK 100,000.00 per month, need to remit at least 25% to MRA as Pay as You Earn (PAYE), which is tax levied on employment income or wages as follows.

Taxable monthly Income	Rate
The first K100,000.00	0%
Next K900,000.00	25%
Next K2,000,000.00	30%
Next K3,000,000.00	35%
Excess of K6,000,000.00	40%

What happens after registering for tax?

- 1. When a business is registered for taxes, MRA requires the business to periodically (monthly and/or yearly as decided by the business) compile financial records and file a tax return self-assessment to their nearest tax office.
- 2. For income tax purposes, the accounts are supposed to be submitted to the Authority at the end of the accounting period, which is the end of the month (i.e. 1st to 30th June) for monthly returns and end of accounting year (i.e. 1st July to 30th June) for yearly returns. The date of submission is 180 days or six months from the end of the accounting period. The accounting period or business year is decided by the taxpayer.

- **3.** For value added tax (VAT), the returns are supposed to be submitted to MRA on or before the 25th day of the following month.
- **4.** In the event that a registered taxpayer has stopped transacting business, it is advisable to notify the MRA for their records and it is expected that the same notice should be given once business operations resume.

Advantages of tax registration

- Business that pay their taxes not only support the Malawian economy, through the increase of revenue. But they also qualify for tax incentives provided for in the Taxation Act.
- MRA gives instructions on how to do the preparation of business accounts for tax purposes, which helps businesses to easily track their profits and losses.
- Registering with MRA allows a business to provide tax invoices to customers, access government procurement systems and as well as working with other big organisations and companies.
- As an employer being registered as a tax payer allows you to pay as you earn (PAYE) payments for their employees.
- Declaring accounts and paying taxes on time prevents having to pay penalties or face legal pursuit in the future.
- MRA issues tax clearance certificate (TCC), which enables the business to compete for any public/open tender.

MYTHS AND FACTS ABOUT REGISTERING A BUSINESS AND TAXES

It should first and foremost be noted that obtaining a BRC does not automatically mean you are registered for tax payments with MRA. Businesses must take the initiative to go to the MRA offices and register for taxes once they have obtained their BRC.



Registering a business is very expensive.



Registering a business will only cost MWK 10,000.00 in administrative fees. DRG does not sell registrations forms, they can be collected for free at any of their offices or downloaded from their website. Additional costs to businesses may include transport and/or postage costs to deliver forms and collect the certificate. Or optional costs such as amendment of details and/or obtaining a copy of the certificate.



Every business, no matter how small gets charged taxes equally to big companies.



Businesses making less than MWK 12,500,000.00 (Twelve million five hundred thousand kwacha) in revenue per year are required to pay presumptive tax, which is basically advance tax for income that is not subject to withholding besides making revenue does not automatically mean that a company is supposed to pay taxes, MRA assesses the financial documents submitted to determine whether a business has to pay taxes that year or not.

Withholding tax is deducted using specified rates as follows:

	Nature of payment	Deduction rate of withholding tax on gross income
a.	Royalties	20%
b.	Rent	20%
C.	Payment for any supply to traders and institution i.e. food stuff	3%
d.	Commission	20%
e.	Payment for carriage and haulage	10%
f.	Payment for tobacco and other farm products i. Sale for the first 1, 200kgs or ten bales of tobacco sold through	0%
	Auction Floors ii. Sale of tobacco in excess of 1, 200kg or ten bales sold through Auction Floors	3%
	iii. Sale of tobacco through Farmer Clubs at Auction Floors	0%
g.	Payment to contractors in the building industry	4%
h.	Payment for public entertainment	20%
i.	Payment for casual labour i. Payment of up to current minimum wage ii. Payment in excess of the minimum wage	0% 20%
j.	Payment for services	20%
k.	Interest	20%
l.	Fees	20%

*Note: Tax rates change every financial year (for the Malawi Government the Financial year is from 1st July to 30th June), these changes should be noted against the publishing date of this guide.

Also, very important is that the business needs to prove and certify every transaction it makes. That includes all revenues as well as expenditures.

*Disclaimer

The information contained in this handbook has been obtained from institutions under the Government of Malawi and stakeholders in the private sector. The content was carefully curated and compiled to ensure its accuracy at the time of publishing. Nevertheless, some of the details may change overtime and without notice. This handbook therefore serves as a guide and should be used as such.

Useful Contacts

Business Registration

Department of the Registrar General:

- Peadquarters
 Fatima Arcade, along Haile Selassie road, Blantyre
- Central region branch Pagat House, Paul Kagame road, Lilongwe
- Northern region branch Choma Building Mzuzu city centre
- (S) +265 1 824 355 | +265 1 824 668 +265 1 824 785 | +265 1 824 394
- E-mail: info@registrargeneral.gov.mw

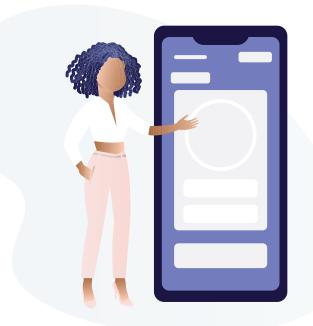
Business advice and guidance

Assistant Cooperative Liaison Officer (ACLO)/Trade Officer

Offices located at the local district council

Small and Medium Enterprise Development Institute (SMEDI):

- Headquarters Amina-house, along Paul Kagame road
- Central region branch opposite civil stadium, Area 9, Lilongwe
- Central region office Mponela trading centre, Dowa
- Northern region branch SMEDI house, Mzuzu city centre
- Southern region branch Chigumula, Blantyre
- Tel: +265 1 774 522
- E-mail: info@smedi.org.mw http://www.smedi.org.mw



Tax Registration and guidance

Malawi Revenue Authority (MRA)

MRA has offices in every district

E-mail: mrahq@mra.mw https://www.mra.mw

Toll-free line: 672

Other Important Websites

Malawi Bureau of Standards

http://mbsmw.org/

Malawi Confederation of Chambers of Commerce and Industry (MCCCI)

Chichiri trade fair grounds, Blantyre Plaza house, city centre, Lilongwe

https://www.mccci.org/

Malawi Investment and Trade Centre

https://mitc.mw/

Common Market for Eastern and Southern Africa (COMESA)

http://www.comesa.int

