



MALAWI BUREAU OF STANDARDS

Promoting Standardization and Quality Assurance in Malawi

PRESS RELEASE

CLARIFICATION ON THE ROLE OF THE MALAWI BUREAU OF STANDARDS VIS A VIS OTHER REGULATORS ON THE LOCAL MARKET

The MBS has over time been receiving inquiries/queries from various stakeholders regarding the regulation of various commodities/products on the market. It has however been noted that some of the inquiries/queries are misdirected at the MBS, while a rightful regulator responsible for such an area exists. A case in point is the query on tomatoes currently trending on social media. In view of this, we would like to clarify the regulatory role of the MBS as provided in the MBS Act, vis a vis roles of other regulators. This would assist stakeholders to know which regulator to contact in case of pertinent issues that may need the attention of the respective regulators.

Role of the MBS as a National Standards Body (NSB)

1. Development of Malawi Standards in various fields and scopes of application. During the national standards development process, stakeholders such as manufacturers, importers, traders, government, academic institutions and consumers are engaged. The standards are approved and gazetted either as mandatory (compulsory) or voluntary. Only those standards gazetted as mandatory are enforced by the MBS. For voluntary standards, some are used by the industry and other interested parties, while others may be enforced by other regulators through reference in their respective regulations.
2. The MBS only enforces the compliance of products, commodities and services with relevant mandatory Malawi Standards under the MBS Act in areas where no other regulator has jurisdiction. This is done through inspection and certification services. Where regulators exist, implementation of standards and other requirements is the responsibility of the concerned regulator.
3. In this regard, the MBS monitors compliance of food and non-food products imported into the country as well as those produced locally and distributed through formal outlets such as shops and supermarkets. The MBS monitors processes and products against mandatory Malawi Standards leading to the certification/approval of these products. The MBS also undertakes market surveillance to check conformance of these products on the market.

4. The MBS provides testing services that support the certification services, as well as to any stakeholder that may require such testing services for various purposes.
5. Through the Metrology Act, the MBS undertakes activities of verifying and calibrating weighing and measuring instruments.
6. The MBS also works with relevant authorities or members of the general public to provide services on specific assignments through research, training and consultancy services at agreed upon terms and conditions. However, enforcement of standards and regulations remains the responsibility of sectoral authorities.

Roles of other regulators

There are other regulators whose roles are sometimes confused with that of the MBS by stakeholders. More often the MBS receives queries on what it is doing to address a particular problem noted on the market, when in fact such an area is not the jurisdiction of the MBS, but another regulator. It is therefore important to take note that queries regarding such other areas that do not lie in the jurisdiction of the MBS should be referred to the relevant regulators for action. Below are some common examples that are referred to MBS other than to the relevant regulators.

1. **Agricultural produce sold loose** - Produce such as bananas, tomatoes, fruits, vegetables and other similar produce from the farm **that have not been processed and packaged** fall under the responsibility of the Ministry of Agriculture through the implementation of good agricultural practices, which includes correct use of pesticides as regulated by the Pesticides Control Board (PCB) under the Ministry of Agriculture.
2. **Pesticides** - These fall under the jurisdiction of the Pesticides Act, whose national competent authority (regulator) is the Pesticides Control Board (PCB) under the Ministry of Agriculture. All issues to do with pesticides (including issues dealing with expiry dates and misuse of pesticides) should therefore be referred to PCB for attention.
3. **Animal health** issues including sanitary measures on products of animal origin fall under the Department of Animal Health under the Ministry of Agriculture.
4. **Public water supply systems** - These fall under the Water Resources Act, whose competent authority is the Water Resources Board. The Board therefore has the oversight role over all the institutions that provide public water services, such as the various water boards. All issues to do with the quality of water from public water supply systems should therefore be referred to the Water Resources Board.

5. **Public health related issues** fall under the Public Health Act, that is enforced by the Ministry of Health and Ministry of Local Government (through the City, Municipal and District Councils).
6. **Counterfeit products and related issues** are covered under the Merchandise Marks Act, the Trade Marks Act and the Registered Designs Act, which are the jurisdiction of the Ministry of Trade.
7. **Environmental protection and pollution issues** fall under the Department of Environmental Affairs as the national Competent Authority on environmental issues. Issues such as pollution of the air, soil or rivers should therefore be referred to the Environmental Affairs Department.
8. **Pharmaceuticals and medicinal products** fall under the jurisdiction of the Pharmacy and Medicines Regulatory Authority (PMRA). If consumers have issues to do with these products, even issues dealing with expiry dates of medicines, these should be brought to the attention of PMRA.
9. **Energy related issues** such as solar products, motor vehicle fuels (petrol, diesel, etc.) fall under the mandate of the Malawi Energy Regulatory Authority and should be referred to MERA for assistance.
10. **Consumer protection.** The Consumer Protection Act, enforced by the Competition and Fair Trading Commission (CFTC), oversees that consumers are well protected from unfair trading practices. When the public feels infringed by practices by manufacturers, traders, retailers, etc, the CFTC may be contacted.

The MBS works with all the above regulatory authorities when requested to support them with regard to testing, examination and inspection, to determine compliance of products to relevant standards and to ensure consumers' health and safety. However, the regulatory role remains under the jurisdiction of the specific sectoral regulators.

We would therefore like to advise all stakeholders and the public to take note of these clarifications, and to consult relevant authorities for their kind assistance. The MBS will continue to advise stakeholders and the public on the right regulator to contact whenever inquiries/queries are directed to us concerning areas we are not the regulator.

For further information and clarification, please contact the Director General, Malawi Bureau of Standards, P.O. Box 946, Blantyre. You can also call on **0887 376/444/445/446/447** or email us at mbs@mbsmw.org . You may also visit our website at www.mbsmw.org for other relevant information about the MBS.

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