

# Doing Business



**2012**

## Economy Profile: **Malawi**

Doing business in a  
**more transparent world**

COMPARING REGULATION FOR DOMESTIC FIRMS IN 183 ECONOMIES

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Internet [www.worldbank.org](http://www.worldbank.org)

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1 2 3 4 08 07 06 05

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Copies of *Doing Business 2012: Doing Business in a More Transparent World*, *Doing Business 2011: Making a Difference for Entrepreneurs*, *Doing Business 2010: Reforming through Difficult Times*, *Doing Business 2009*, *Doing Business 2008*, *Doing Business 2007: How to Reform*, *Doing Business in 2006: Creating Jobs*, *Doing Business in 2005: Removing Obstacles to Growth* and *Doing Business in 2004: Understanding Regulations* may be downloaded at [www.doingbusiness.org](http://www.doingbusiness.org).

ISBN: 978-0-8213-8833-4  
E-ISBN: 978-0-8213-8834-1  
DOI: 10.1596/978-0-8213-8833-4  
ISSN: 1729-2638

Printed in the United States

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## INTRODUCTION

*Doing Business* sheds light on how easy or difficult it is for a local entrepreneur to open and run a small to medium-size business when complying with relevant regulations. It measures and tracks changes in regulations affecting 10 areas in the life cycle of a business: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency.

In a series of annual reports *Doing Business* presents quantitative indicators on business regulations and the protection of property rights that can be compared across 183 economies, from Afghanistan to Zimbabwe, over time. The data set covers 46 economies in Sub-Saharan Africa, 32 in Latin America and the Caribbean, 24 in East Asia and the Pacific, 24 in Eastern Europe and Central Asia, 18 in the Middle East and North Africa and 8 in South Asia, as well as 31 OECD high-income economies. The indicators are used to analyze economic outcomes and identify what reforms have worked, where and why.

This economy profile presents the *Doing Business* indicators for Malawi. To allow useful comparison, it also provides data for other selected economies (comparator economies) for each indicator. The data in this report are current as of June 1, 2011 (except for

the paying taxes indicators, which cover the period January–December 2010).

The *Doing Business* methodology has limitations. Other areas important to business—such as an economy's proximity to large markets, the quality of its infrastructure services (other than those related to trading across borders and getting electricity), the security of property from theft and looting, the transparency of government procurement, macroeconomic conditions or the underlying strength of institutions—are not directly studied by *Doing Business*. The indicators refer to a specific type of business, generally a local limited liability company operating in the largest business city. Because standard assumptions are used in the data collection, comparisons and benchmarks are valid across economies. The data not only highlight the extent of obstacles to doing business; they also help identify the source of those obstacles, supporting policy makers in designing regulatory reform.

More information is available in the full report. *Doing Business 2012* presents the indicators, analyzes their relationship with economic outcomes and recommends regulatory reforms. The data, along with information on ordering *Doing Business 2012*, are available on the *Doing Business* website at <http://www.doingbusiness.org>.

## THE BUSINESS ENVIRONMENT

For policy makers trying to improve their economy's regulatory environment for business, a good place to start is to find out how it compares with the regulatory environment in other economies. *Doing Business* provides an aggregate ranking on the ease of doing business based on indicator sets that measure and benchmark regulations applying to domestic small to medium-size businesses through their life cycle. Economies are ranked from 1 to 183 by the ease of doing business index. For each economy the index is calculated as the ranking on the simple average of its percentile rankings on each of the 10 topics included in the index in *Doing Business 2012*: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. The ranking on each topic is the simple average of the percentile rankings on its component indicators (see the data notes for more details).<sup>1</sup>

The aggregate ranking on the ease of doing business benchmarks each economy's performance on the indicators against that of all other economies in the *Doing Business* sample (figure 1.1). While this ranking tells much about the business environment in an economy, it does not tell the whole story. The ranking on the ease of doing business, and the underlying indicators, do not measure all aspects of the business environment that matter to firms and investors or that affect the competitiveness of the economy. Still, a high ranking does mean that the government has created a regulatory environment conducive to operating a business.

### ECONOMY OVERVIEW

**Region:** Sub-Saharan Africa

**Income category:** Low income

**Population:** 14,900,841

**GNI per capita (US\$):** 330.00

**DB2012 rank:** 145

**DB2011 rank:** 141

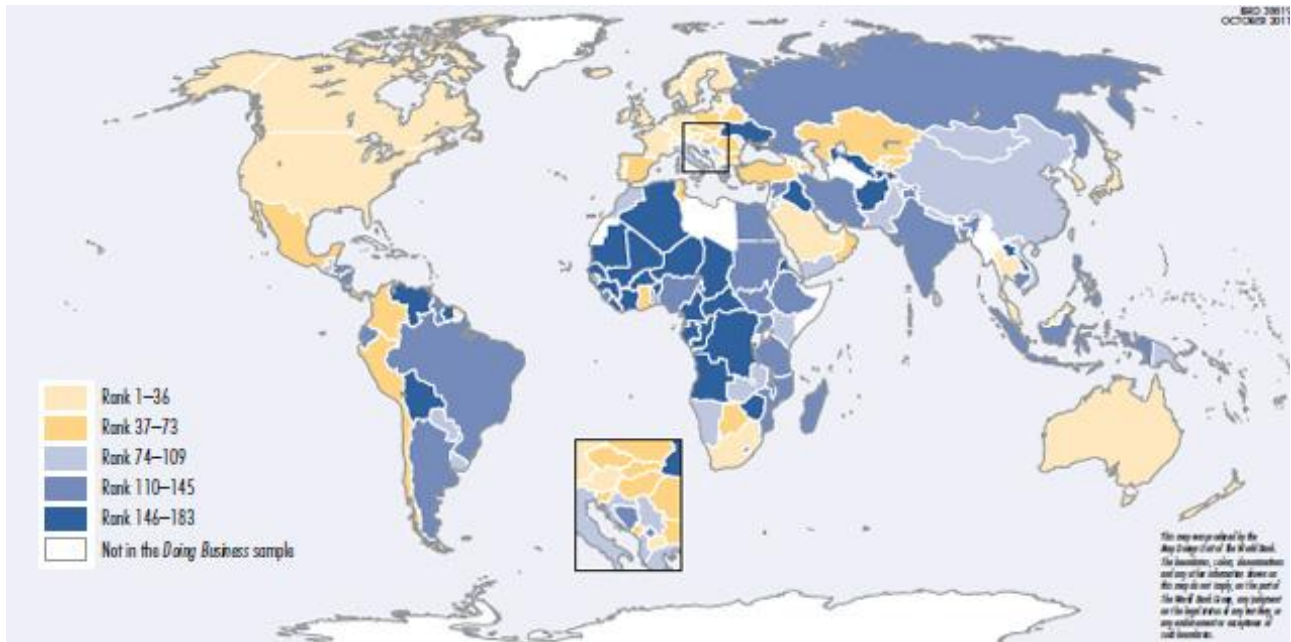
**Change in rank:** -4

*Note:* See the data notes for sources and definitions.

<sup>1</sup> Except for the ease of getting credit, for which the percentile rankings on its component indicators are weighted, the depth of credit information index at 37.5% and the strength of legal rights index at 62.5%.

## THE BUSINESS ENVIRONMENT

Figure 1.1 Where economies stand in the global ranking on the ease of doing business



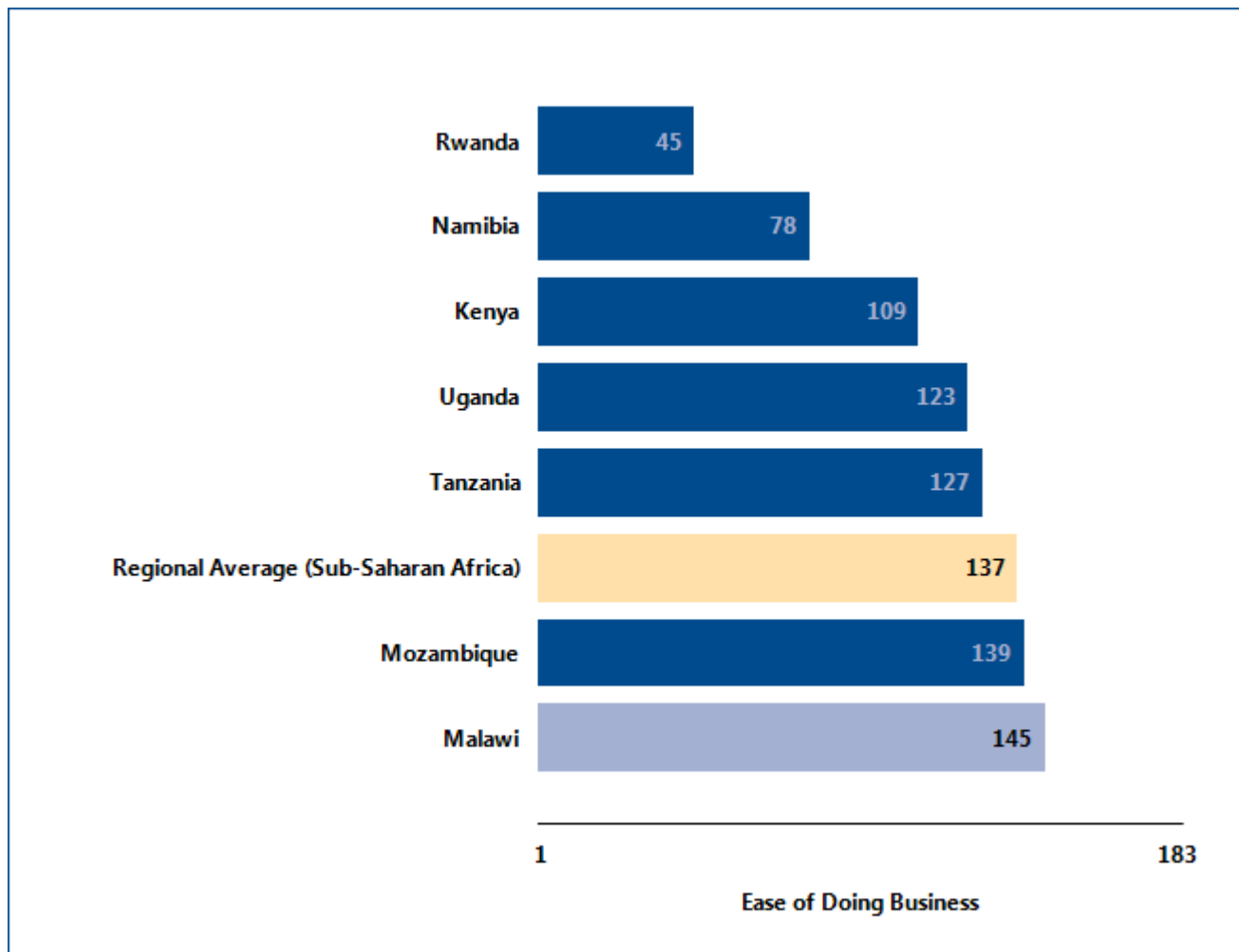
Source: *Doing Business* database.

## THE BUSINESS ENVIRONMENT

For policy makers, knowing where their economy stands in the aggregate ranking on the ease of doing business is useful. Also useful is to know how it ranks compared with other economies and compared with

the regional average (figure 1.2). The economy's rankings on the topics included in the ease of doing business index provide another perspective (figure 1.3).

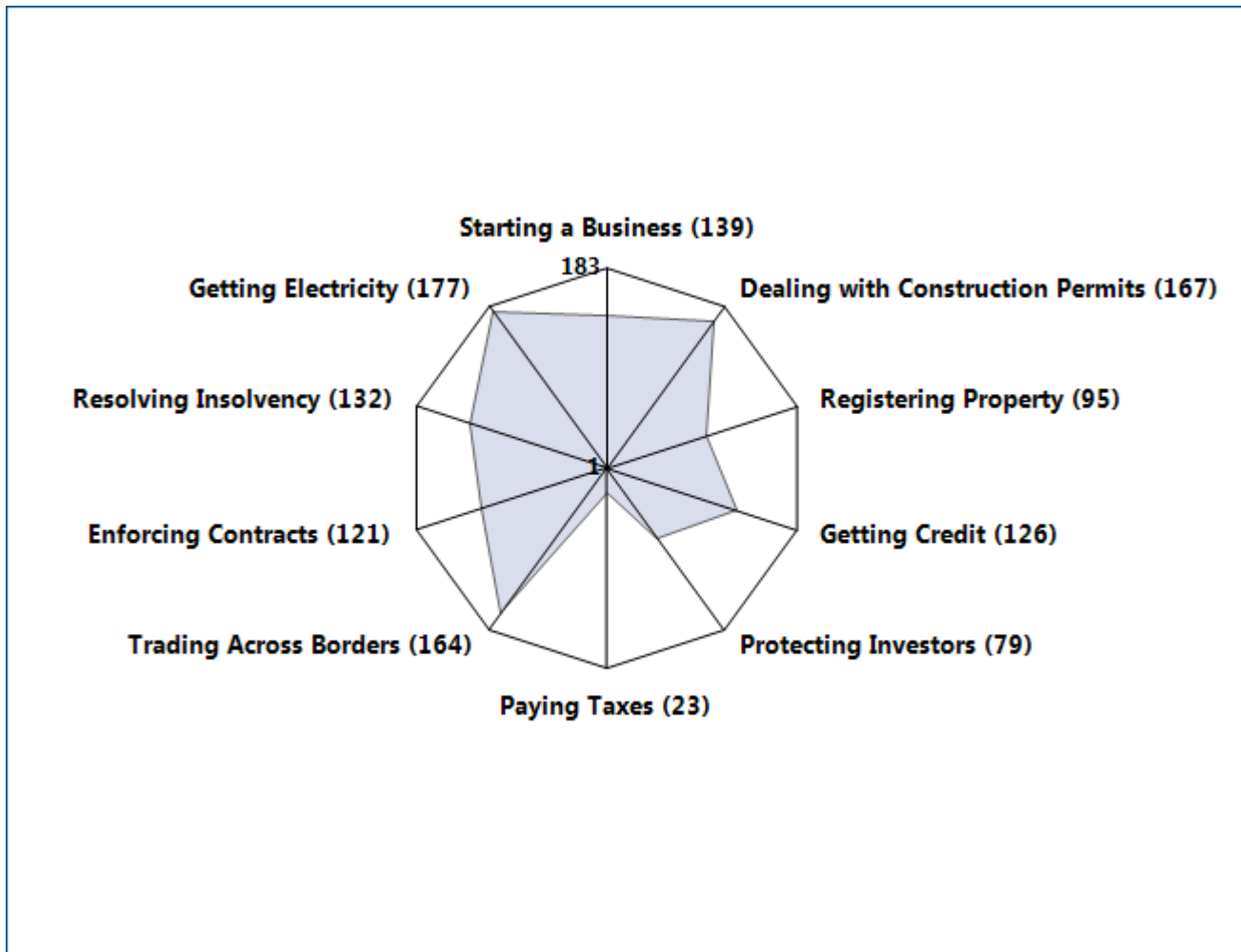
Figure 1.2 How Malawi and comparator economies rank on the ease of doing business



Source: Doing Business database.

## THE BUSINESS ENVIRONMENT

Figure 1.3 How Malawi ranks on *Doing Business* topics



Source: *Doing Business* database.



## THE BUSINESS ENVIRONMENT

Just as the overall ranking on the ease of doing business tells only part of the story, so do changes in that ranking. Yearly movements in rankings can provide some indication of changes in an economy’s regulatory environment for firms, but they are always relative. An economy’s ranking might change because of developments in other economies. An economy that implemented business regulation reforms may fail to rise in the rankings (or may even drop) if it is passed by others whose business regulation reforms had a more significant impact as measured by *Doing Business*.

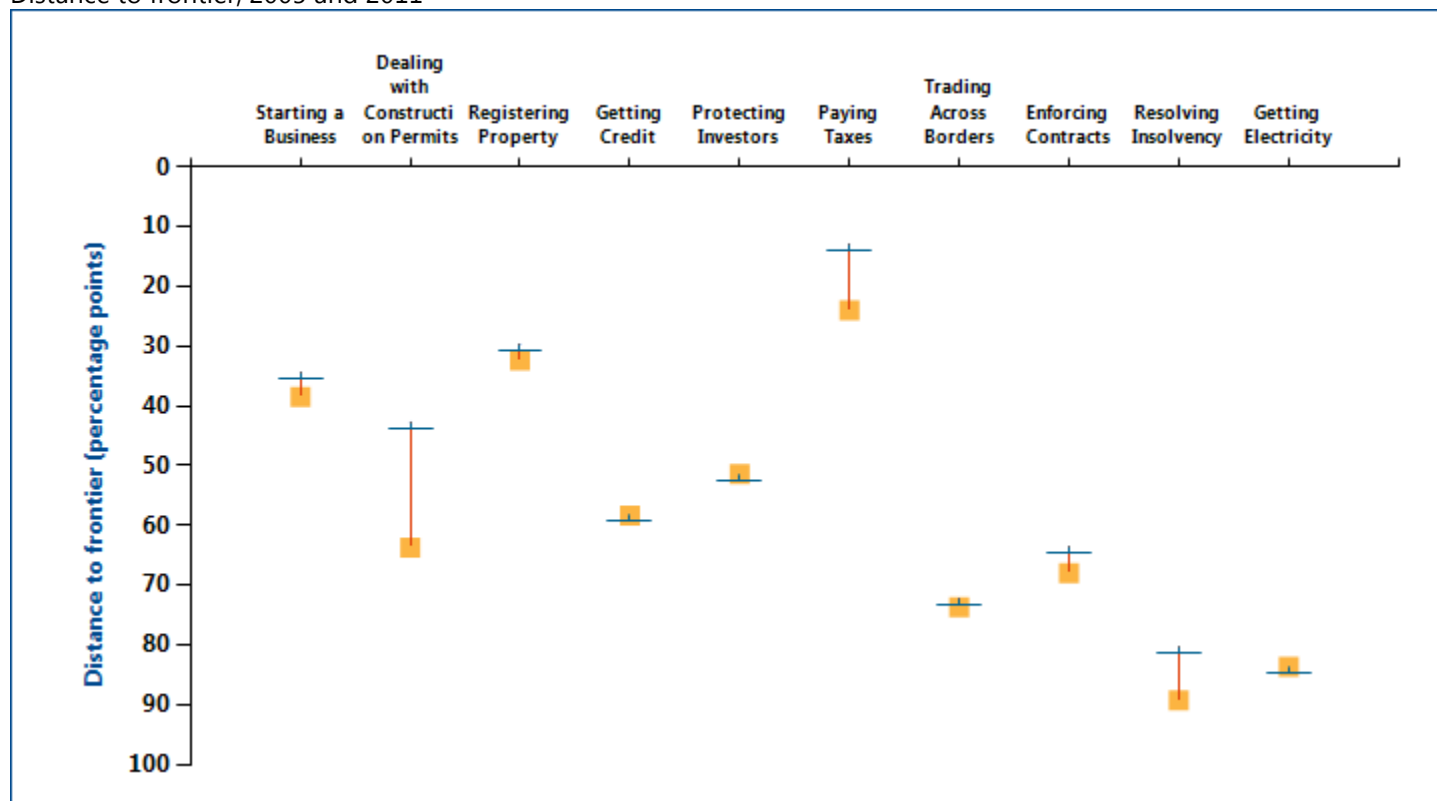
Moreover, year-to-year changes in the overall rankings do not reflect how the business regulatory environment in an economy has changed over time—or how it has changed in different areas. To aid in assessing such changes, *Doing Business 2012* introduces the distance to frontier measure.

This measure shows the distance of each economy to the “frontier,” a synthetic measure based on the most efficient practice or highest score observed for each *Doing Business* indicator across all economies and years included in the *Doing Business* sample since 2005. Nine areas of business regulation are covered.

Comparing the measure for an economy at 2 points in time allows users to assess how much the economy’s regulatory environment as measured by *Doing Business* has changed over time—how far it has moved toward (or away from) the most efficient practices and strongest regulations in areas covered by *Doing Business* (figure 1.4). The results may show that the pace of change varies widely across the areas measured. They also may show that an economy is relatively close to the frontier in some areas and relatively far from it in others.

Figure 1.4 How far has Malawi come in the areas measured by *Doing Business*?

Distance to frontier, 2005 and 2011



Note: For economies added to the *Doing Business* sample after 2005, the starting point is the year in which they were added: 2006 for Montenegro; 2007 for Brunei Darussalam, Liberia and Luxembourg; 2008 for The Bahamas, Bahrain and Qatar; and 2009 for Cyprus and Kosovo. See the data notes for more details on the distance to frontier measure.

Source: *Doing Business* database.

## THE BUSINESS ENVIRONMENT

The absolute values of the indicators tell another part of the story (table 1.1). The indicators, on their own or in comparison with the indicators of a good practice economy or those of comparator economies in the region, may reveal bottlenecks reflected in large numbers of procedures, long delays or high costs. Or they may reveal unexpected strengths in an area of

business regulation—such as a regulatory process that can be completed with a small number of procedures in a few days and at a low cost. Comparison of the economy's indicators today with those in the previous year may show where substantial bottlenecks persist—and where they are diminishing.

Table 1.1 Summary of *Doing Business* indicators for Malawi

Indicator	Malawi DB2012	Malawi DB2011	Kenya DB2012	Mozambique DB2012	Namibia DB2012	Rwanda DB2012	Tanzania DB2012	Uganda DB2012	Best performer globally DB2012
<b>Starting a Business (rank)</b>	139	132	132	70	125	8	123	143	New Zealand (1)
<b>Procedures (number)</b>	10	10	11	9	10	2	12	16	Canada (1)*
<b>Time (days)</b>	39	39	33	13	66	3	29	34	New Zealand (1)
<b>Cost (% of income per capita)</b>	90.9	108.4	37.8	11.7	17.2	4.7	28.8	84.5	Denmark (0.0)*
<b>Paid-in Min. Capital (% of income per capita)</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	82 Economies (0.0)*
<b>Dealing with Construction Permits (rank)</b>	167	167	37	126	52	84	176	109	Hong Kong SAR, China (1)
<b>Procedures (number)</b>	18	18	8	13	12	12	19	15	Denmark (5)
<b>Time (days)</b>	200	200	125	370	139	164	303	125	Singapore (26)*
<b>Cost (% of income per capita)</b>	1077.5	1304.7	160.9	123.0	103.0	312.0	1170.1	946.8	Qatar (1.1)

Indicator	Malawi DB2012	Malawi DB2011	Kenya DB2012	Mozambique DB2012	Namibia DB2012	Rwanda DB2012	Tanzania DB2012	Uganda DB2012	Best performer globally DB2012
Getting Electricity (rank)	177	178	115	172	105	50	78	129	Iceland (1)
Procedures (number)	6	6	4	9	7	4	4	5	Germany (3)*
Time (days)	244	244	163	117	55	30	109	91	Germany (17)
Cost (% of income per capita)	9665.8	11703.9	1419.2	2558.0	525.8	4696.8	1040.5	5130.1	Japan (0.0)
Registering Property (rank)	95	80	133	156	145	61	158	127	New Zealand (3)
Procedures (number)	6	6	8	8	7	5	9	13	Portugal (1)*
Time (days)	69	49	64	42	39	25	73	48	Portugal (1)
Cost (% of property value)	3.2	3.2	4.3	8.7	13.7	6.3	4.4	2.9	Slovak Republic (0.0)
Getting Credit (rank)	126	116	8	150	24	8	98	48	United Kingdom (1)*
Strength of legal rights index (0-10)	7	7	10	2	8	8	8	7	New Zealand (10)*
Depth of credit information index (0-6)	0	0	4	4	5	6	0	4	Japan (6)*
Public registry coverage (% of adults)	0.0	0.0	0.0	3.8	0.0	1.4	0.0	0.0	Portugal (86.2)
Private bureau coverage (% of adults)	0.0	0.0	4.5	0.0	61.5	0.0	0.0	3.0	New Zealand (100.0)*
Protecting Investors (rank)	79	74	97	46	79	29	97	133	New Zealand (1)
Extent of disclosure index (0-10)	4	4	3	5	5	7	3	2	France (10)*

Indicator	Malawi DB2012	Malawi DB2011	Kenya DB2012	Mozambique DB2012	Namibia DB2012	Rwanda DB2012	Tanzania DB2012	Uganda DB2012	Best performer globally DB2012
Extent of director liability index (0-10)	7	7	2	4	5	9	4	5	Singapore (9)*
Ease of shareholder suits index (0-10)	5	5	10	9	6	3	8	5	New Zealand (10)*
Strength of investor protection index (0-10)	5.3	5.3	5.0	6.0	5.3	6.3	5.0	4.0	New Zealand (9.7)
Paying Taxes (rank)	23	22	166	107	102	19	129	93	Canada (8)
Payments (number per year)	19	19	41	37	37	18	48	32	Norway (4)
Time (hours per year)	157	157	393	230	375	148	172	213	Luxembourg (59)
Trading Across Borders (rank)	164	163	141	136	142	155	92	158	Singapore (1)
Documents to export (number)	10	10	8	7	9	8	6	7	France (2)
Time to export (days)	41	41	26	23	29	29	18	37	Hong Kong SAR, China (5)*
Cost to export (US\$ per container)	1675	1713	2055	1100	1800	3275	1255	2880	Malaysia (450)
Documents to import (number)	9	9	7	10	7	8	6	9	France (2)
Time to import (days)	51	51	24	28	24	31	24	34	Singapore (4)
Cost to import (US\$ per container)	2570	2570	2190	1545	1905	4990	1430	3015	Malaysia (435)
Enforcing Contracts (rank)	121	122	127	131	40	39	36	116	Luxembourg (1)

Indicator	Malawi DB2012	Malawi DB2011	Kenya DB2012	Mozambique DB2012	Namibia DB2012	Rwanda DB2012	Tanzania DB2012	Uganda DB2012	Best performer globally DB2012
Time (days)	312	312	465	730	270	230	462	490	Singapore (150)
Cost (% of claim)	94.1	94.1	47.2	142.5	35.8	78.7	14.3	44.9	Bhutan (0.1)
Procedures (number)	42	42	40	30	33	24	38	38	Ireland (21)*
Resolving Insolvency (rank)	132	131	92	143	56	165	122	63	Japan (1)
Time (years)	2.6	2.6	4.5	5.0	1.5	3.0	3.0	2.2	Ireland (0.4)
Cost (% of estate)	25	25	22	9	15	50	22	30	Singapore (1)*
Recovery rate (cents on the dollar)	18.5	17.9	30.9	15.5	41.9	3.2	22.0	40.2	Japan (92.7)

Note: The methodology for the paying taxes indicators changed in *Doing Business 2012*; see the data notes for details. For these indicators, the best performer globally is the economy that has implemented the most efficient practices in its tax system and is not necessarily the one with the highest ranking. For more information on “no practice” marks, see the data notes for details.

\* Two or more economies share the top ranking on this indicator. A number shown in place of an economy’s name indicates the number of economies that share the top ranking on the indicator. For a list of these economies, see the *Doing Business* website (<http://www.doingbusiness.org>).

Source: *Doing Business* database.



## STARTING A BUSINESS

Formal registration of companies has many immediate benefits for the companies and for business owners and employees. Legal entities can outlive their founders. Resources are pooled as several shareholders join forces to start a company. Formally registered companies have access to services and institutions from courts to banks as well as to new markets. And their employees can benefit from protections provided by the law. An additional benefit comes with limited liability companies. These limit the financial liability of company owners to their investments, so personal assets of the owners are not put at risk. Where governments make registration easy, more entrepreneurs start businesses in the formal sector, creating more good jobs and generating more revenue for the government.

### What do the indicators cover?

*Doing Business* measures the ease of starting a business in an economy by recording all procedures that are officially required or commonly done in practice by an entrepreneur to start up and formally operate an industrial or commercial business—as well as the time and cost required to complete these procedures. It also records the paid-in minimum capital that companies must deposit before registration (or within 3 months). The ranking on the ease of starting a business is the simple average of the percentile rankings on the 4 component indicators: procedures, time, cost and paid-in minimum capital requirement.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the procedures. It assumes that all information is readily available to the entrepreneur and that there has been no prior contact with officials. It also assumes that all government and nongovernment entities involved in the process function without corruption. And it assumes that the business:

- Is a limited liability company, located in the largest business city.
- Conducts general commercial or industrial activities.

### WHAT THE STARTING A BUSINESS INDICATORS MEASURE

#### Procedures to legally start and operate a company (number)

- Preregistration (for example, name verification or reservation, notarization)
- Registration in the economy's largest business city
- Postregistration (for example, social security registration, company seal)

#### Time required to complete each procedure (calendar days)

- Does not include time spent gathering information
- Each procedure starts on a separate day
- Procedure completed once final document is received
- No prior contact with officials

#### Cost required to complete each procedure (% of income per capita)

- Official costs only, no bribes
- No professional fees unless services required by law

#### Paid-in minimum capital (% of income per capita)

- Deposited in a bank or with a notary before registration (or within 3 months)
- Has a start-up capital of 10 times income per capita.
- Has a turnover of at least 100 times income per capita.
- Does not qualify for any special benefits.
- Does not own real estate.
- Is 100% domestically owned.

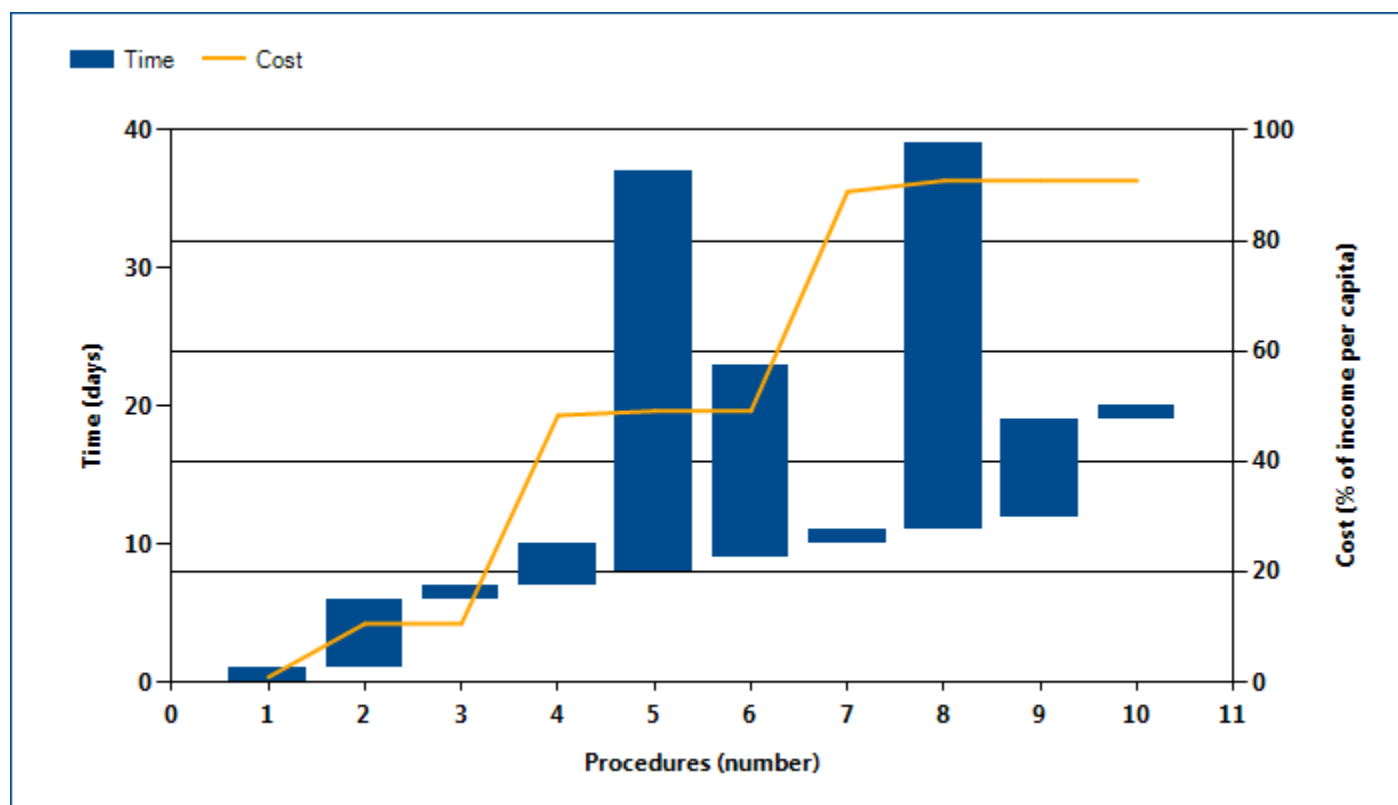
## STARTING A BUSINESS

### Where does the economy stand today?

What does it take to start a business in Malawi? According to data collected by *Doing Business*, starting a business there requires 10 procedures, takes 39 days,

costs 90.9% of income per capita and requires paid-in minimum capital of 0.0% of income per capita (figure 2.1).

Figure 2.1 What it takes to start a business in Malawi  
Paid-in minimum capital (% of income per capita): 0.0



Note: For details on the procedures reflected here, see the summary at the end of this chapter.

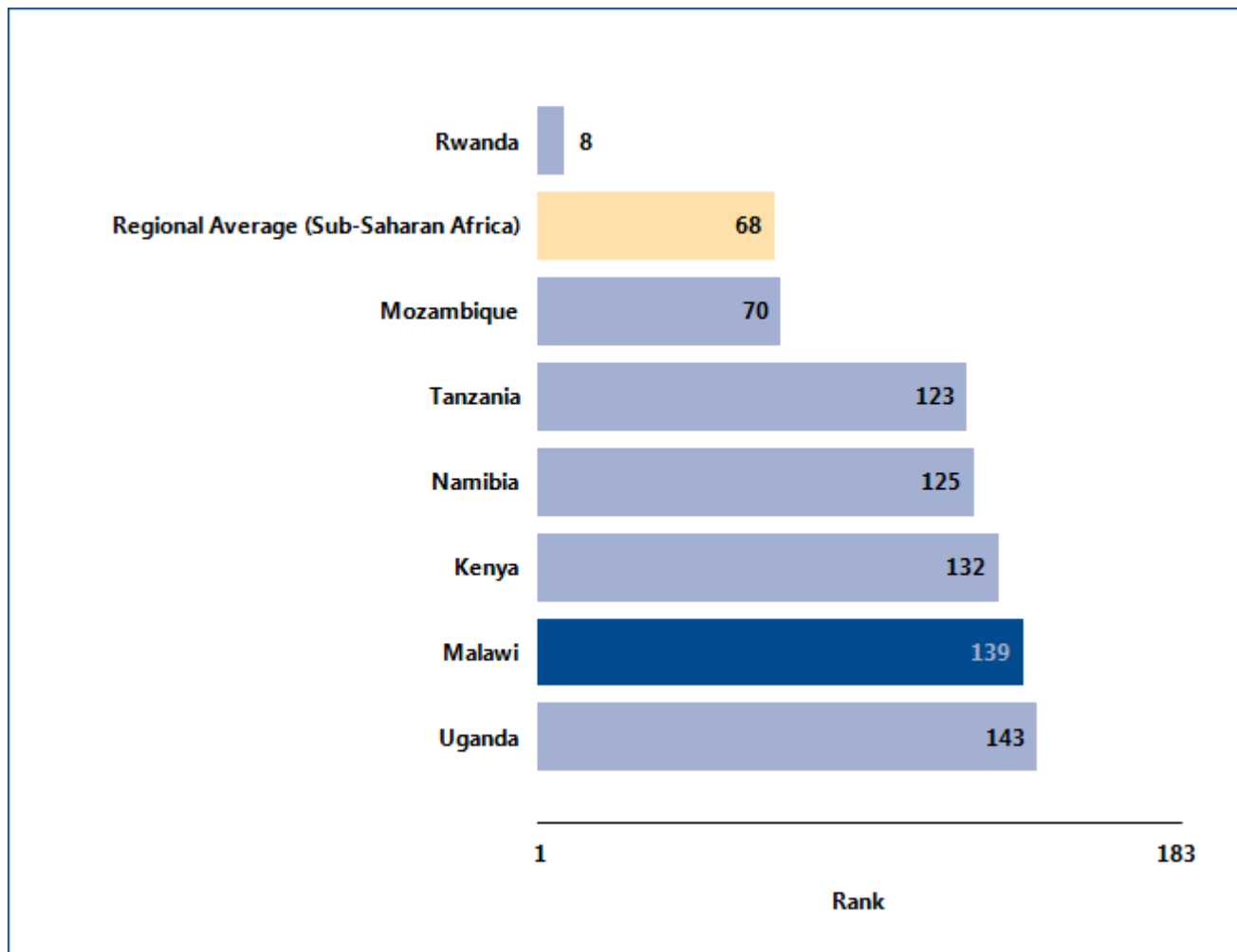
Source: *Doing Business* database.

## STARTING A BUSINESS

Globally, Malawi stands at 139 in the ranking of 183 economies on the ease of starting a business (figure 2.2). The rankings for comparator economies and the

regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Malawi to start a business.

Figure 2.2 How Malawi and comparator economies rank on the ease of starting a business



Source: Doing Business database.

## STARTING A BUSINESS

### What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to start a business in Malawi today, data over time show which aspects of the process have changed—and which have not (table 2.1). That can help identify where the potential for improvement is greatest.

Table 2.1 The ease of starting a business in Malawi over time  
By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
Rank	..	..	..	..	..	..	..	132	139
Procedures (number)	10	10	10	10	10	10	10	10	10
Time (days)	45	39	39	39	39	39	39	39	39
Cost (% of income per capita)	116.2	140.8	139.6	215.7	188.7	125.9	108.0	108.4	90.9
Paid-in Min. Capital (% of income per capita)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology.

Source: *Doing Business* database.

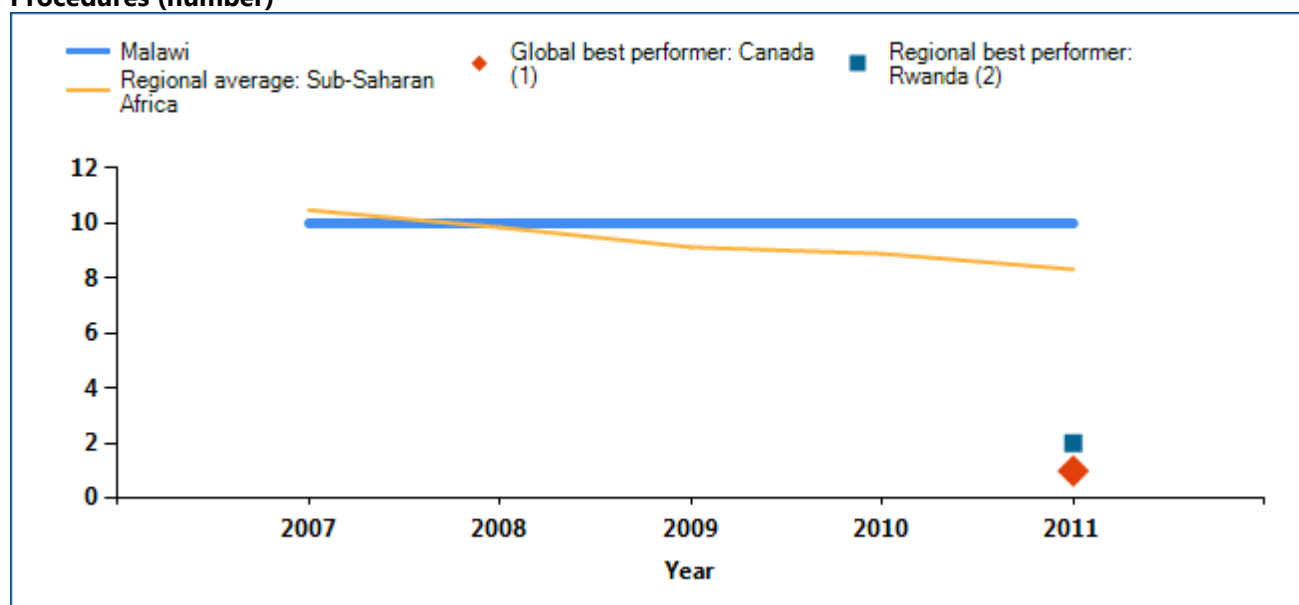
## STARTING A BUSINESS

Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the procedures, time, cost or paid-in minimum capital required to start a business (figure 2.3). These economies may provide a model for

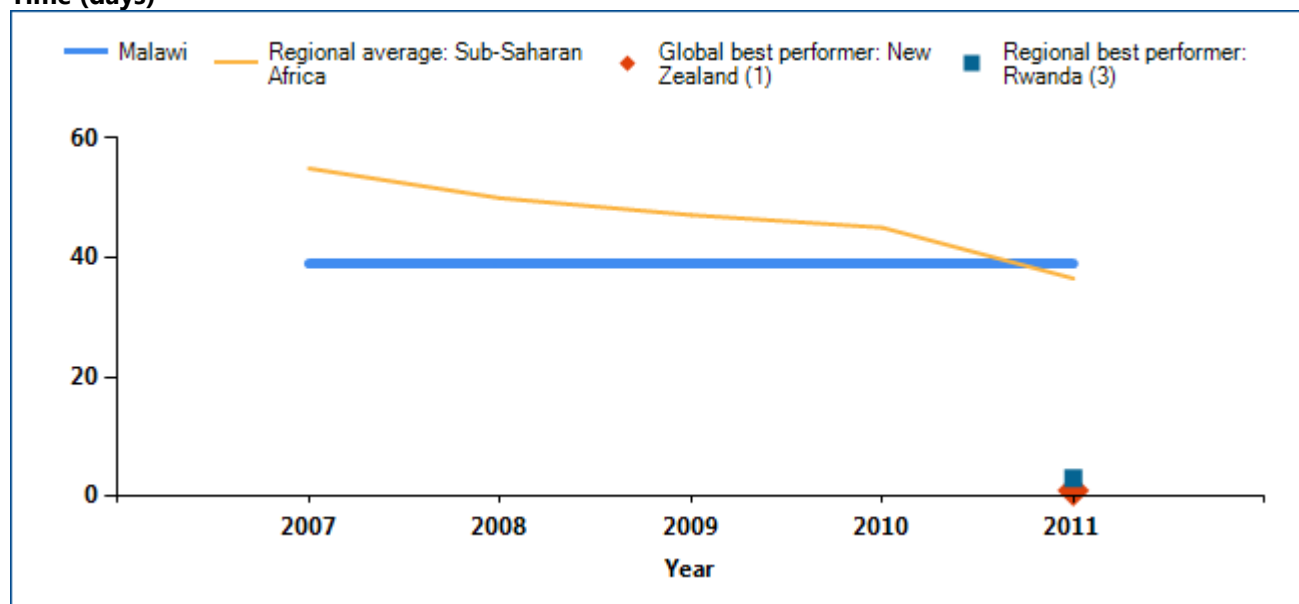
Malawi on ways to improve the ease of starting a business. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

Figure 2.3 Has starting a business become easier over time?

### Procedures (number)



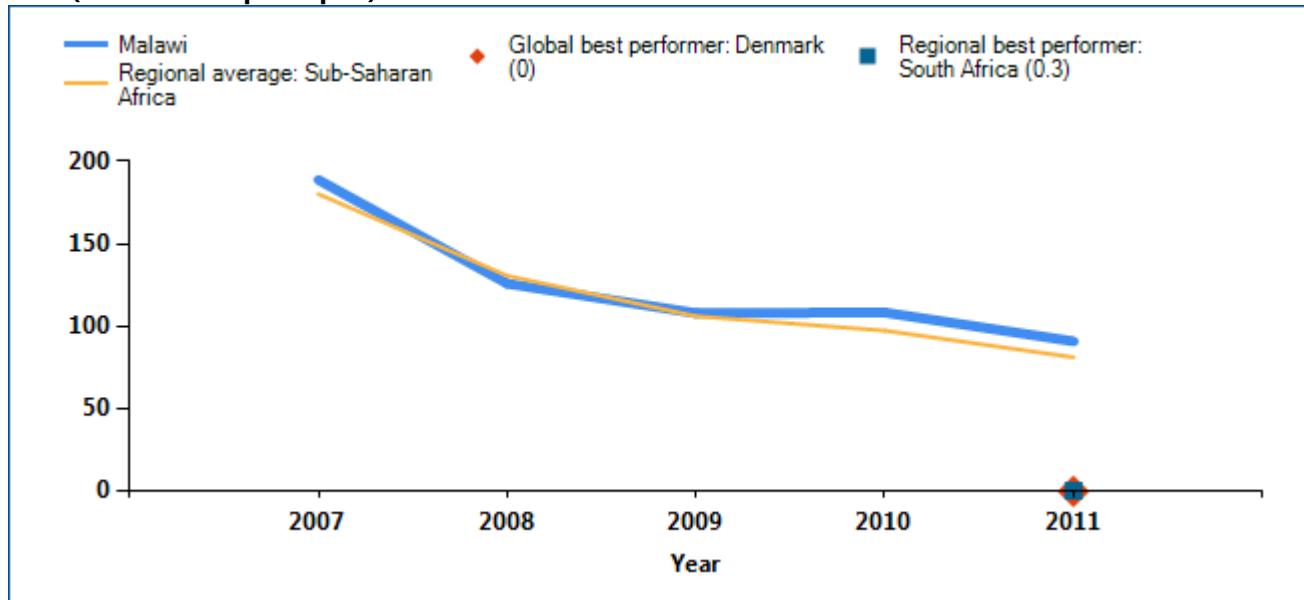
### Time (days)



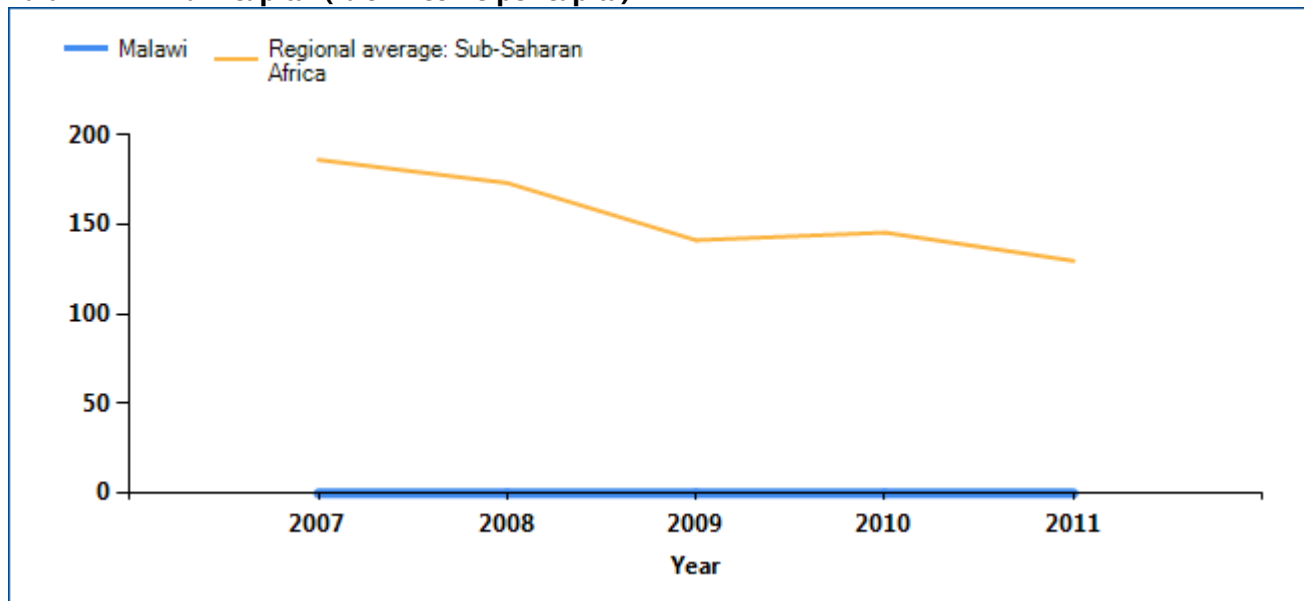


## STARTING A BUSINESS

### Cost (% of income per capita)



### Paid-in minimum capital (% of income per capita)



Note: The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator. In the case of paid-in minimum capital, 82 economies globally and economies in Sub-Saharan Africa have no paid-in minimum capital.

Source: Doing Business database.

## STARTING A BUSINESS

Economies around the world have taken steps making it easier to start a business—streamlining procedures by setting up a one-stop shop, making procedures simpler or faster by introducing technology and reducing or eliminating minimum capital requirements. Many have undertaken business registration reforms in stages—and they often are part of a larger regulatory reform program. Among the benefits have been

greater firm satisfaction and savings and more registered businesses, financial resources and job opportunities.

What business registration reforms has *Doing Business* recorded in Malawi (table 2.2)?

Table 2.2 How has Malawi made starting a business easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	No reform.
DB2011	No reform.
DB2010	No reform.
DB2009	No reform.

*Note:* For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

*Source:* *Doing Business* database.

## STARTING A BUSINESS

### What are the details?

Underlying the indicators shown in this chapter for Malawi is a set of specific procedures—the bureaucratic and legal steps that an entrepreneur must complete to incorporate and register a new firm. These are identified by *Doing Business* through collaboration with relevant local professionals and the study of laws, regulations and publicly available information on business entry in that economy. Following is a detailed summary of those procedures, along with the associated time and cost. These procedures are those that apply to a company matching the standard assumptions (the “standardized company”) used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators measure).

#### STANDARDIZED COMPANY

**City:** Blantyre

**Legal Form:** Private Limited Liability Company

**Start-up capital:** 10 times GNI per capita

**Paid-in minimum capital (% of income per capita):** 0.0

#### Summary of procedures for starting a business in Malawi—and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<b>Initiate a company name search.</b> To initiate a company name search, promoters must submit a name application to the Registrar General either in person, which takes a few hours, or by completing a form and submitting it to the Registrar general.	1 day	MWK 500
2	<b>Submit application for a Certificate of Incorporation to the Registrar General, Ministry of Justice.</b> The law provides standard articles of association. The procedure can be done by mail. By law, registration has to be completed in a maximum delay of 21 days.	3-7 days if done in person, 14 days by mail	MWK 1,000 + MWK 100 for first MWK 1,000 of capital, and MWK 15 for every MWK 2,000 or part of capital thereafter
3	<b>Register for payment of income tax with the Malawi Revenue Authority</b> Company promoters must register with the Malawi Revenue Authority by filing the memorandum and articles of association, the certificate of incorporation (copy), and an application letter or completed application for registration form, including the accounting date, the name of a public officer, and the nature of the business. The Malawi government then issues a taxpayer income tax number.	1 day if application is hand delivered	no charge
4	<b>Obtain a company seal</b> Making a seal may take up to a week. Costs depend on the length of the name of the company and the size of the seal.	3-4 days	MWK 19,000
5	<b>* File an application form to obtain a license from the City</b>	29 days including	MWK 400 Blantyre

No.	Procedure	Time to complete	Cost to complete
	<p><b>Assembly</b></p> <p>Under the Business Licensing Act, wholesalers must apply for a wholesaler's license; and retailers, for a retailer's license. For industrial activities, relevant fees, procedures, and licensing requirements depend on the manufactured goods. Licenses are thus administered by the corresponding ministry. By law, the licensing authority must post notices of application for wholesaler or retailer license for review for 21 days outside the licensing authority's offices. The Department of Planning checks whether the premises location and business use is consistent with the city code.</p>	time of publication, simultaneous with procedure 4	City Assembly
6	<p><b>* Inspection of premises for the issue of the license</b></p> <p>The inspectors differ by type of business, but typically, include fire, the environment, and health and hygiene. Scheduling of inspections depends on the nature of the business and the locality. With increasing distance from the inspectors' offices, the company experiences delays owing to transport constraints, so some companies offer their own transport.</p>	14 days, simultaneous with procedure 5	no charge
7	<p><b>* Pay license fee upon approval of license and obtain license</b></p> <p>On approval, the license is issued in a couple of days and mailed to the investor.</p>	1 day, simultaneous with procedure 5	20000
8	<p><b>* Apply for a registration of the workplace</b></p> <p>Promoters must file Form Lab/W/1 (application for registration of workplace), with the Occupational Safety, Health, and Welfare Department of the Ministry of Labor.</p> <p>Fee schedule for workplace registration:</p> <ul style="list-style-type: none"> <li>- Fewer than 20 employees: MWK 1,000.</li> <li>- 21 to 50 employees: MWK 3,000.</li> <li>- 51 to 200 employees: MWK 5,000.</li> <li>- 201 to 500 employees: MWK 10,000.</li> <li>- More than 500 employees: MWK 15,000.</li> </ul>	28 days, simultaneous with procedure 5	MWK 1,000, depends on the number of employees
9	<p><b>* Inspection of premises by the Occupational Safety, Health, and Welfare Department</b></p>	7 days, simultaneous with procedure 5	no charge
10	<p><b>* Register for PAYE and fringe benefit tax with the Malawi Revenue Authority by mail</b></p> <p>Promoters must file Form P1 (PAYE) and Form FBT1 (fringe benefit tax). On registering for pay-as-you-earn (PAYE) tax, applicants are provided with the following forms: WTF1 (withholding tax certificate); WTF2 (summary of withholding tax); P9 (PAYE certificate of total emoluments and tax deducted); P10 (advice of employees tax deduction certificates</p>	1 day (simultaneous with previous procedure)	no charge

No.	Procedure	Time to complete	Cost to complete
	issued); P12 (PAYE monthly deduction payment form; and P16 (reconciliation of the number of tax deduction certificates and schedule of tax deductions to be sent to the Inspector of Taxes).		

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.



## DEALING WITH CONSTRUCTION PERMITS

Regulation of construction is critical to protect the public. But it needs to be efficient, to avoid excessive constraints on a sector that plays an important part in every economy. Where complying with building regulations is excessively costly in time and money, many builders opt out. They may pay bribes to pass inspections or simply build illegally, leading to hazardous construction that puts public safety at risk. Where compliance is simple, straightforward and inexpensive, everyone is better off.

### What do the indicators cover?

*Doing Business* records the procedures, time and cost for a business to obtain all the necessary approvals to build a simple commercial warehouse in the economy's largest business city, connect it to basic utilities and register the property so that it can be used as collateral or transferred to another entity.

The ranking on the ease of dealing with construction permits is the simple average of the percentile rankings on its component indicators: procedures, time and cost.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the warehouse, including the utility connections.

The business:

- Is a limited liability company operating in the construction business and located in the largest business city.
- Is domestically owned and operated.
- Has 60 builders and other employees.

The warehouse:

- Is a new construction (there was no previous construction on the land).
- Has complete architectural and technical plans prepared by a licensed architect.

### WHAT THE DEALING WITH CONSTRUCTION PERMITS INDICATORS MEASURE

#### Procedures to legally build a warehouse (number)

Submitting all relevant documents and obtaining all necessary clearances, licenses, permits and certificates

Completing all required notifications and receiving all necessary inspections

Obtaining utility connections for water, sewerage and a fixed telephone line

Registering the warehouse after its completion (if required for use as collateral or for transfer of the warehouse)

#### Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

#### Cost required to complete each procedure (% of income per capita)

Official costs only, no bribes

- Will be connected to water, sewerage (sewage system, septic tank or their equivalent) and a fixed telephone line. The connection to each utility network will be 10 meters (32 feet, 10 inches) long.
- Will be used for general storage, such as of books or stationery (not for goods requiring special conditions).
- Will take 30 weeks to construct (excluding all delays due to administrative and regulatory requirements).

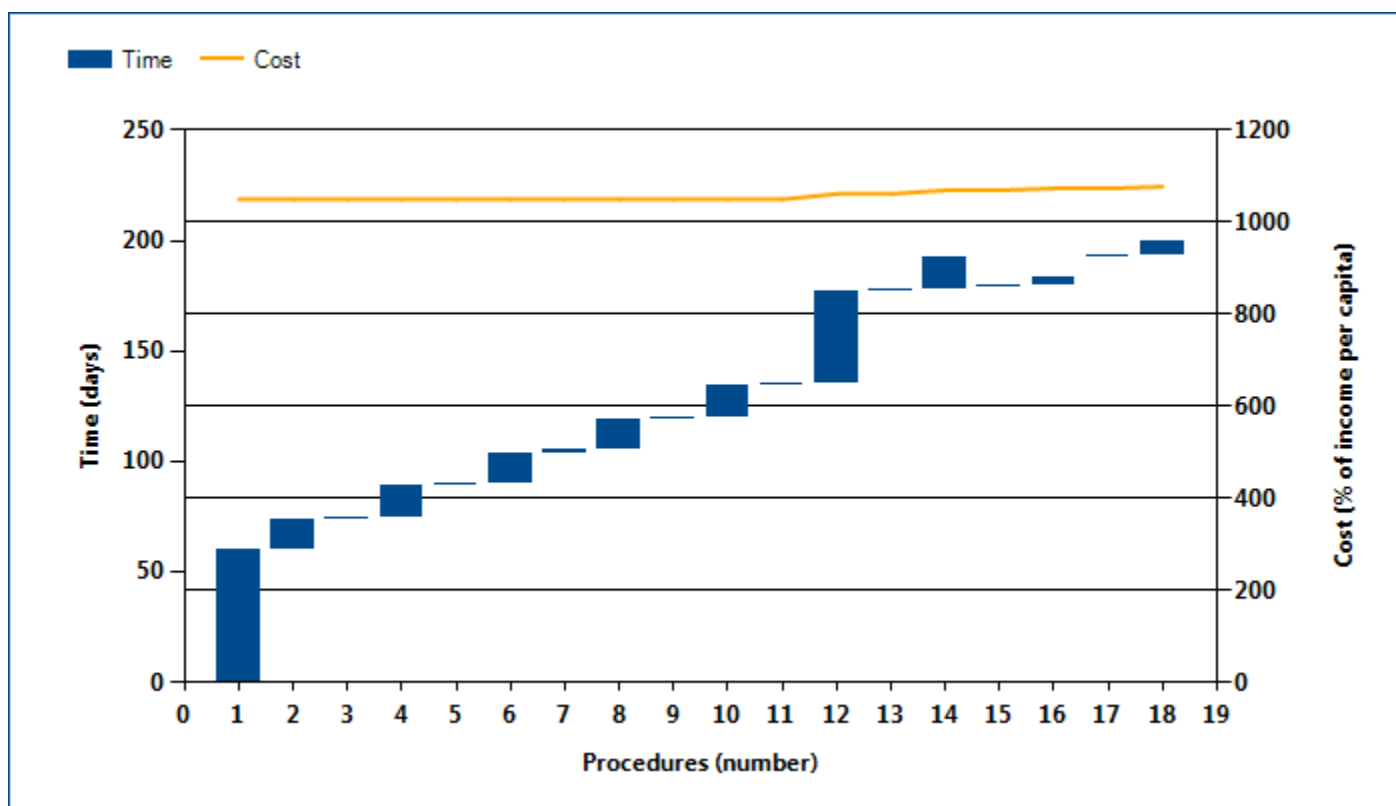
## DEALING WITH CONSTRUCTION PERMITS

### Where does the economy stand today?

What does it take to comply with the formalities to build a warehouse in Malawi? According to data collected by *Doing Business*, dealing with construction

permits there requires 18 procedures, takes 200 days and costs 1077.5% of income per capita (figure 3.1).

Figure 3.1 What it takes to comply with formalities to build a warehouse in Malawi



Note: For details on the procedures reflected here, see the summary at the end of this chapter.

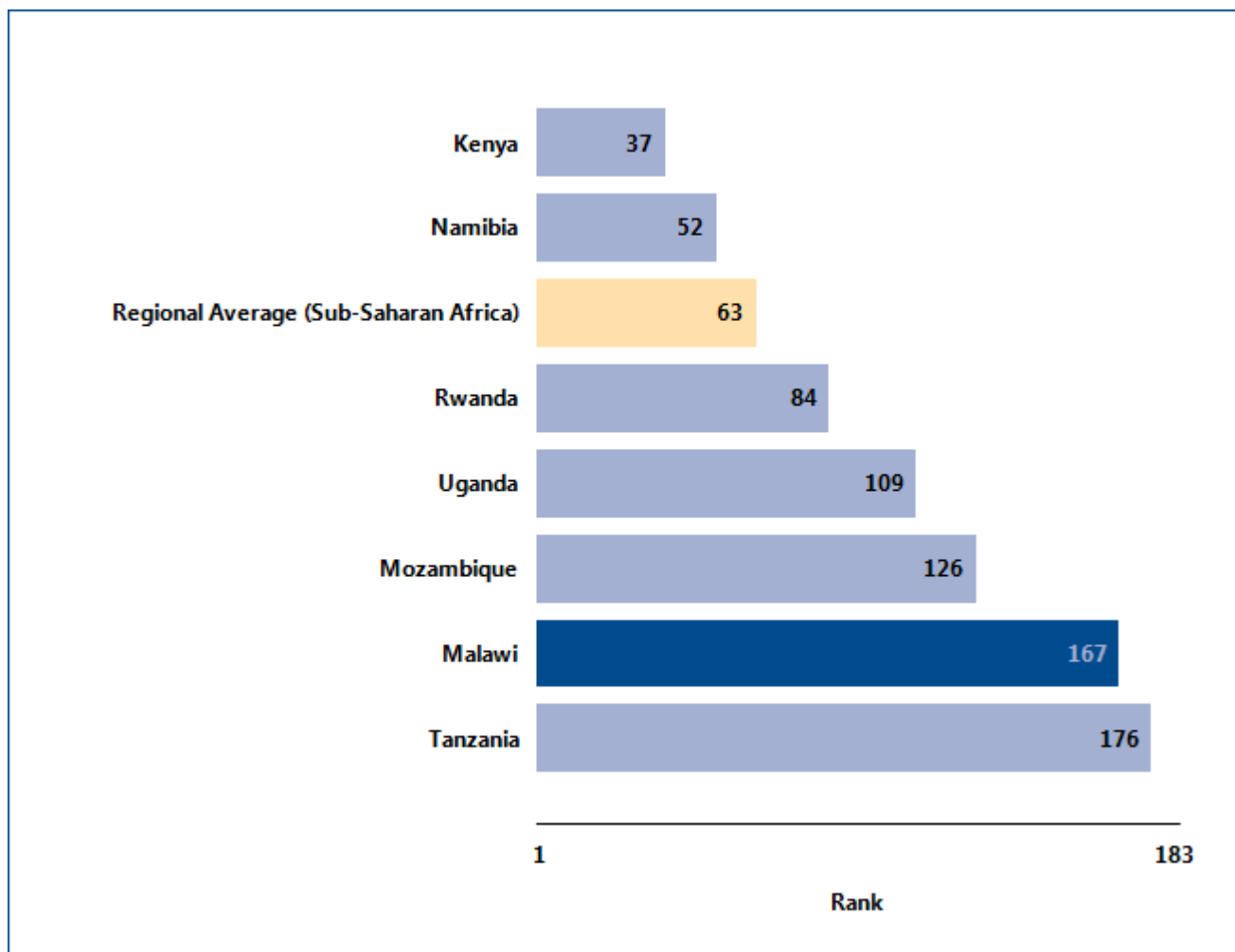
Source: *Doing Business* database.

## DEALING WITH CONSTRUCTION PERMITS

Globally, Malawi stands at 167 in the ranking of 183 economies on the ease of dealing with construction permits (figure 3.2). The rankings for comparator economies and the regional average ranking provide

other useful information for assessing how easy it is for an entrepreneur in Malawi to legally build a warehouse.

Figure 3.2 How Malawi and comparator economies rank on the ease of dealing with construction permits



Source: Doing Business database.

## DEALING WITH CONSTRUCTION PERMITS

### What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to deal with construction permits in Malawi today, data over time show which aspects of the process have changed—and which have not (table 3.1). That can help identify where the potential for improvement is greatest.

Table 3.1 The ease of dealing with construction permits in Malawi over time  
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
Rank	..	..	..	..	..	167	167
Procedures (number)	18	18	18	18	18	18	18
Time (days)	200	200	200	200	200	200	200
Cost (% of income per capita)	3,181.7	2,931.6	2,347.5	1,530.0	1,299.3	1,304.7	1,077.5

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology. For more information on “no practice” marks, see the data notes for details.

Source: *Doing Business* database.

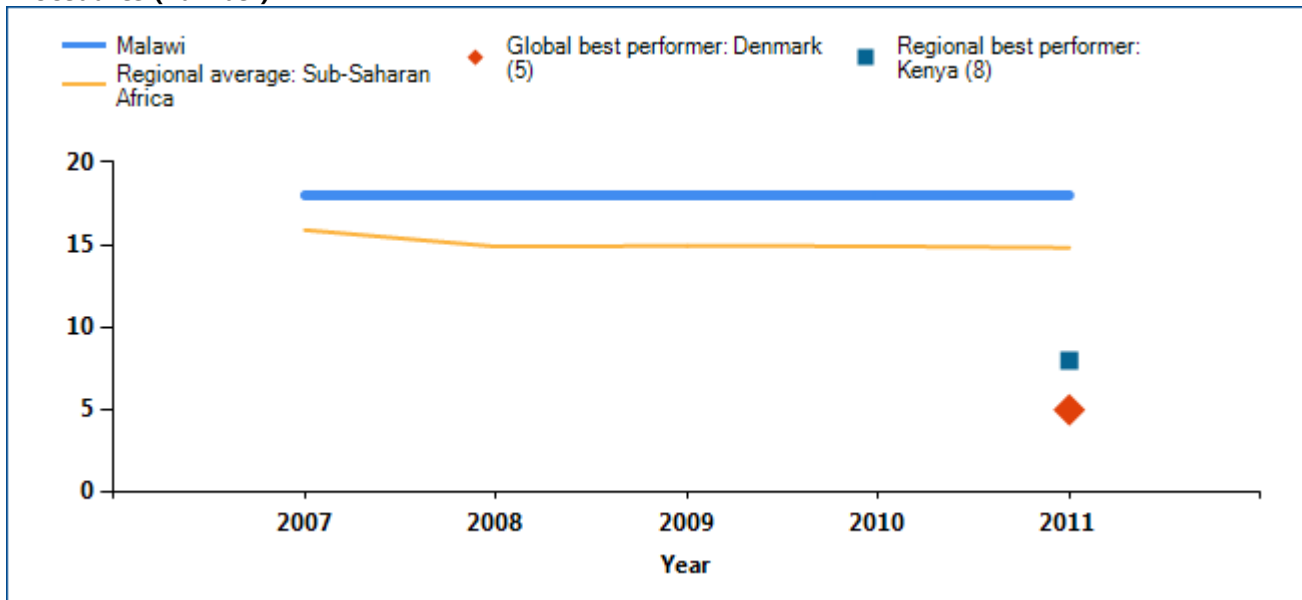
## DEALING WITH CONSTRUCTION PERMITS

Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the procedures, time or cost required to deal with construction permits (figure 3.3). These economies may provide a model for Malawi on

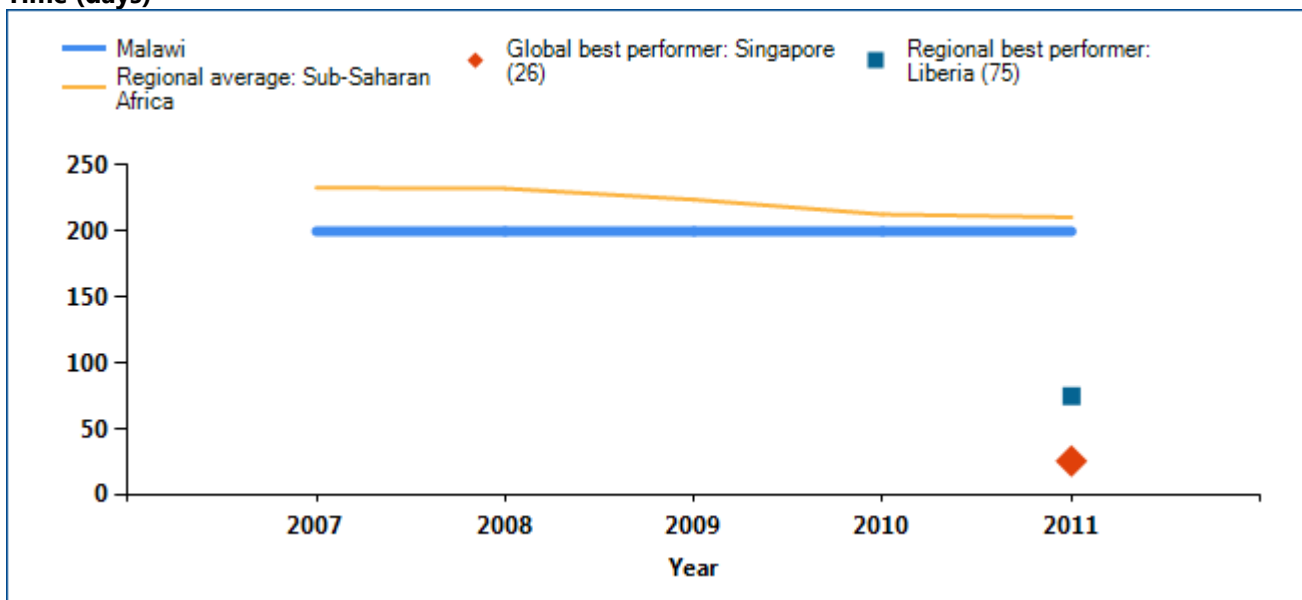
ways to improve the ease of dealing with construction permits. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

Figure 3.3 Has dealing with construction permits become easier over time?

### Procedures (number)

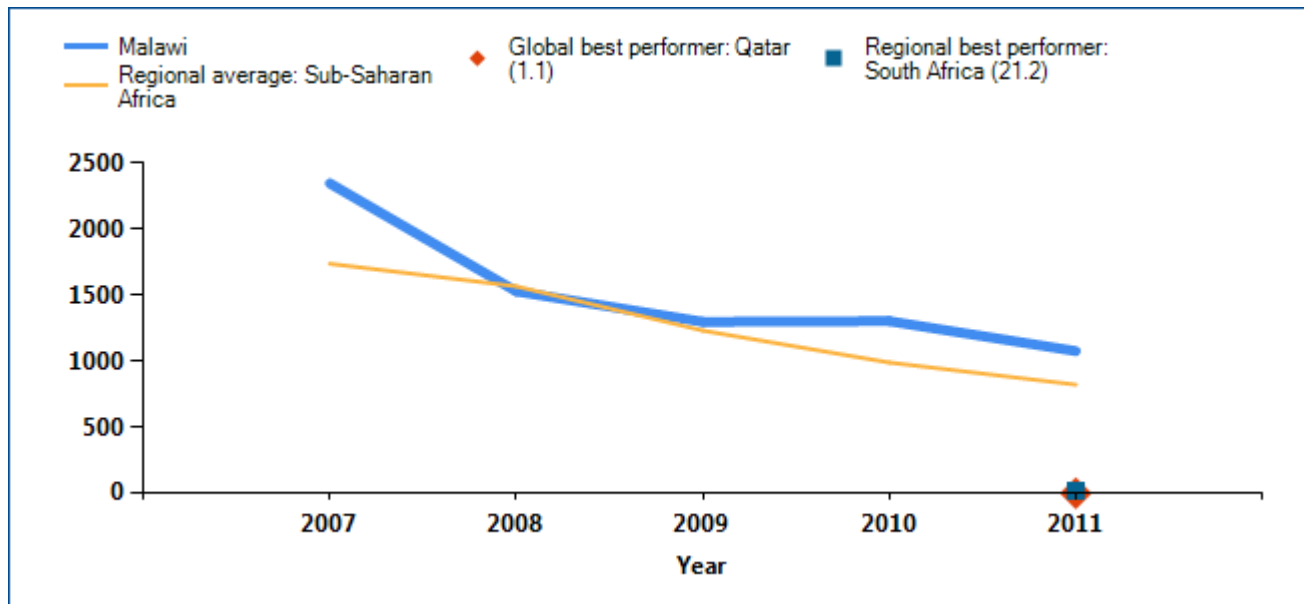


### Time (days)



## DEALING WITH CONSTRUCTION PERMITS

### Cost (% of income per capita)



*Note:* The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator. In cases where no data are displayed above for the economy, this indicates that the economy has received a “no practice” mark; see the data notes for details.

*Source:* *Doing Business* database.

## DEALING WITH CONSTRUCTION PERMITS

Smart regulation ensures that standards are met while making compliance easy and accessible to all. Coherent and transparent rules, efficient processes and adequate allocation of resources are especially important in sectors where safety is at stake. Construction is one of them. In an effort to ensure

building safety while keeping compliance costs reasonable, governments around the world have worked on consolidating permitting requirements. What construction permitting reforms has *Doing Business* recorded in Malawi (table 3.2)?

Table 3.2 How has Malawi made dealing with construction permits easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	No reform.
DB2011	No reform.
DB2010	No reform.
DB2009	No reform.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

## DEALING WITH CONSTRUCTION PERMITS

### What are the details?

The indicators reported here for Malawi are based on a set of specific procedures—the steps that a company must complete to legally build a warehouse—identified by *Doing Business* through information collected from experts in construction licensing, including architects, construction lawyers, construction firms, utility service providers and public officials who deal with building regulations. These procedures are those that apply to a company and structure matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover).

#### BUILDING A WAREHOUSE

**City :** Blantyre

**Estimated Warehouse Value :** MWK 67,606,101

The procedures, along with the associated time and cost, are summarized below.

Summary of procedures for dealing with construction permits in Malawi —and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<p><b>Obtain approval of plan from the City Assembly</b></p> <p>The general procedure for obtaining the approval of the project plan is as follows:</p> <ol style="list-style-type: none"> <li>BuildCo arranges for a private engineering consultant to complete the building plans. The plans must be prepared by licensed architects and signed by an engineer. One complication: the type of engineer is not specified, so they do not have to know anything about construction. There is an abusive practice of architects / engineers signing plans prepared by technicians who worked independently without actually reviewing them just to get payment.</li> <li>BuildCo completes the “application for permission to develop or to subdivide land” and a by-laws form, and submits the forms and the plans to the City Assembly with payment of a fee based on the size of the building and the assessed value of the land.</li> <li>The plans and application are then forwarded to a Technical Panel for consideration. The panel’s members are representatives from the following organizations: <ul style="list-style-type: none"> <li>- Electricity Supply Corporation of Malawi.</li> <li>- Malawi Telecommunications Limited.</li> <li>- Water Board.</li> <li>- City Assembly Physical Planning Department.</li> <li>- City Assembly Engineering Department.</li> <li>- City Assembly Parks and Recreation Department.</li> <li>- City Assembly Health and Environment Department.</li> <li>- City Assembly Building Department.</li> <li>- Occupational Safety, Health, and Welfare Department of the Ministry of Labor.</li> <li>- Malawi Housing Corporation.</li> <li>- Ministry of Transport and Public Works.</li> </ul> </li> </ol>	60 days	MWK 528,795



No.	Procedure	Time to complete	Cost to complete
	<p>The panel reviews the building plans and application and either approves development or suggests amendments. If the panel requires amendments, BuildCo is notified by mail of the changes required. BuildCo can also contact the City Assembly by phone or in person to inquire about the status of the application.</p> <p>A water connection application is filed along with the site plan. If the panel accepts the application, it is forwarded to the Town and Country Planning Committee, which meets monthly. The committee notifies BuildCo by mail and a notice of decision, a legally binding document, and the by-laws form are issued.</p> <p>The meeting of the Town and Planning Committee takes place only once a month, and the Technical Panel meets only once every 2 weeks. However, companies may choose to opt for a fast track option which allows companies to convene an emergency meeting of the Town and Planning Committee at a higher fee charged on top of standard fees. The fee for fast track option would be MWK 50,000. In this case, the meeting will take place within about a week of the payment being made. BuildCo will get an oral decision at the end of the meeting. If there is an affirmative decision, construction can begin right away. The official document will be issued soon after. Practice, is however this option is used seldom by companies. Many companies plan ahead of the time, and have prior consultations with the municipal officials.</p> <p>Under normal circumstances by Town and Country Planning Act, the Planning Committee should either approve the application or tell why it cannot be approved within 60 days of the application being submitted. In reality, this is likely not to happen. However, there is a silence is consent rule. If after 60 days, there is no response; construction can begin which not too many companies resort to.</p> <p>Cost: As of May 1st, 2004 the cost according to Blantyre City Assembly is MWK 391,530.7 (MWK 48,828,847 x 0.8%+MWK 800 (local tax)+MWK 100 (application fee)).</p>		
2	<p><b>Notify the City Assembly of the commencement of construction</b></p> <p>During the construction phase of an approved project, the City Assembly sends out inspectors at various stages of construction. Inspectors from the City Assembly's Departments of Building, Environment and Health, and Fire join the national-level Occupational Safety, Health, and Welfare Department to inspect the construction approximately five times. These inspectors come as a team, and there is no charge for these visits. The Building Department issues six cards that specify when a building should be inspected. BuildCo notifies the inspectors by sending a card at the appropriate stage of construction. The City Assembly inspectors come within 2 days to 2 weeks of notification. However in reality many do not come due to scarcity of resources. BuildCo does not stop construction and wait until the inspection is completed. In practice, builders continue construction after submitting the notice without waiting for the inspection.</p>	14 days	no charge

No.	Procedure	Time to complete	Cost to complete
3	<b>Receive inspection on setting out/commencement</b> The inspection usually takes a day.	1 day	no charge
4	<b>Notify the City Assembly of foundation excavation</b>	14 days	no charge
5	<b>Receive inspection on foundation excavation</b>	1 day	no charge
6	<b>Notify the City Assembly of Brick work foundation</b>	14 days	no charge
7	<b>Receive inspection on Brick work foundation</b>	1 day	no charge
8	<b>Notify the City Assembly of damp roof course</b>	14 days	no charge
9	<b>Receive inspection on damp roof course</b>	1 day	no charge
10	<b>Notify the City Assembly when the construction reaches wall plate level</b>	14 days	no charge
11	<b>Receive inspection on construction</b>	1 day	no charge
12	<b>Apply for telephone connections</b>	42 days	MWK 6,000
13	<b>Receive inspection on the property from the telephone service provider</b> After the inspection by the telephone service provider, an agreement form is sent by mail to the applicant stating the cost of connecting to the telephone service and the monthly charges. BuildCo waits until advised of the availability of lines and then pays the fees for the connection to be activated.	1 day	no charge
14	<b>Apply for waste and sewerage connections at the City Assembly and obtain connection</b> Sewerage services can be obtained by completing a form that asks for technical information about the capacity needed and the location of the pipelines. In practice, the type of construction considered here would include a septic tank.	14 days	MWK 4,000
15	<b>* Receive inspection by the City Assembly engineers</b> After the inspection, the cost of extending the sewer pipes to the facilities is estimated, and the investor BuildCo is informed of how much to pay to complete the connection.	1 day	no charge

No.	Procedure	Time to complete	Cost to complete
16	<p><b>* Apply for occupational permit</b></p> <p>Definition of fee for the occupancy permit is a debatable matter between officials and construction companies. To define the base for levying fee municipality has to evaluate the construction cost according to its methodology. In addition Quantitative Surveyors, who work for construction companies provide monthly updates to the authorities on the cost incurred. That is then summed to the information that municipality has. Based on that the fee will be 0.1% and must be paid before the occupancy permit is issued. In our case it will be MWK 48,828 of warehouse value MWK 48,828,847.</p>	3 days	MWK 2,000
17	<b>Final inspection</b>	1 day	no charge
18	<b>Register the property title in Lands Registry</b>	7 days	MWK 2,000

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

## GETTING ELECTRICITY

Access to reliable and affordable electricity is vital for businesses. To counter weak electricity supply, many firms in developing economies have to rely on self-supply, often at a prohibitively high cost. Whether electricity is reliably available or not, the first step for a customer is always to gain access by obtaining a connection.

### What do the indicators cover?

*Doing Business* records all procedures required for a local business to obtain a permanent electricity connection and supply for a standardized warehouse, as well as the time and cost to complete them. These procedures include applications and contracts with electricity utilities, clearances from other agencies and the external and final connection works. The ranking on the ease of getting electricity is the simple average of the percentile rankings on its component indicators: procedures, time and cost. To make the data comparable across economies, several assumptions are used.

The warehouse:

- Is located in the economy's largest business city, in an area where other warehouses are located.
- Is not in a special economic zone where the connection would be eligible for subsidization or faster service.
- Has road access. The connection works involve the crossing of a road or roads but are carried out on public land.
- Is a new construction being connected to electricity for the first time.
- Has 2 stories, both above ground, with a total surface of about 1,300.6 square meters (14,000 square feet), and is built on a plot of 929 square meters (10,000 square feet).

The electricity connection:

- Is a 3-phase, 4-wire Y, 140-kilovolt-ampere (kVA) (subscribed capacity) connection.

### WHAT THE GETTING ELECTRICITY INDICATORS MEASURE

#### Procedures to obtain an electricity connection (number)

Submitting all relevant documents and obtaining all necessary clearances and permits

Completing all required notifications and receiving all necessary inspections

Obtaining external installation works and possibly purchasing material for these works

Concluding any necessary supply contract and obtaining final supply

#### Time required to complete each procedure (calendar days)

Is at least 1 calendar day

Each procedure starts on a separate day

Does not include time spent gathering information

Reflects the time spent in practice, with little follow-up and no prior contact with officials

#### Cost required to complete each procedure (% of income per capita)

Official costs only, no bribes

Excludes value added tax

- Is 150 meters long.
- Is to either the low-voltage or the medium-voltage distribution network and either overhead or underground, whichever is more common in the economy and in the area where the warehouse is located. The length of any connection in the customer's private domain is negligible.
- Involves installing one electricity meter. The monthly electricity consumption will be 0.07 gigawatt-hour (GWh). The internal electrical wiring has been completed.

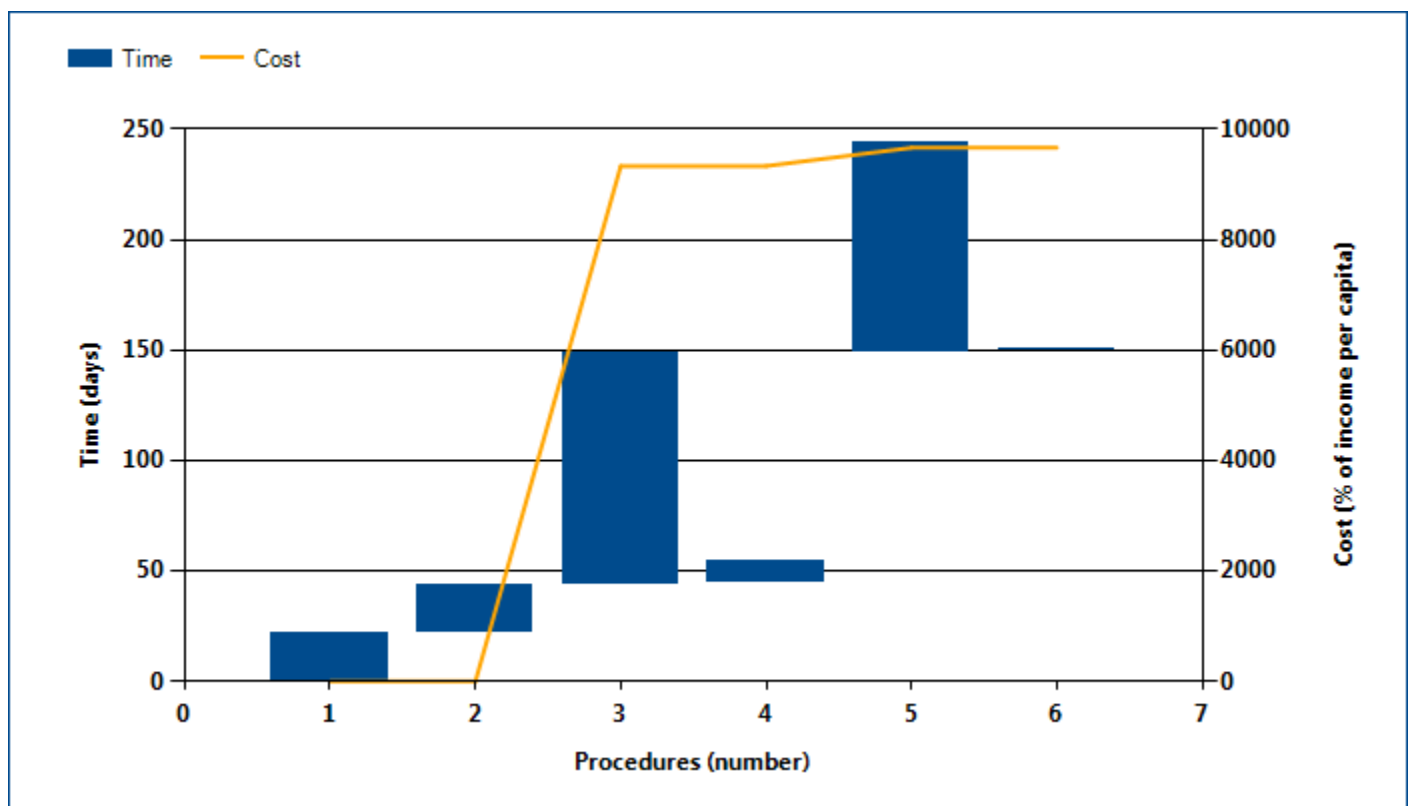
## GETTING ELECTRICITY

### Where does the economy stand today?

What does it take to obtain a new electricity connection in Malawi? According to data collected by *Doing Business*, getting electricity there requires 6

procedures, takes 244 days and costs 9665.8% of income per capita (figure 4.1).

Figure 4.1 What it takes to obtain an electricity connection in Malawi



Note: For details on the procedures reflected here, see the summary at the end of this chapter.

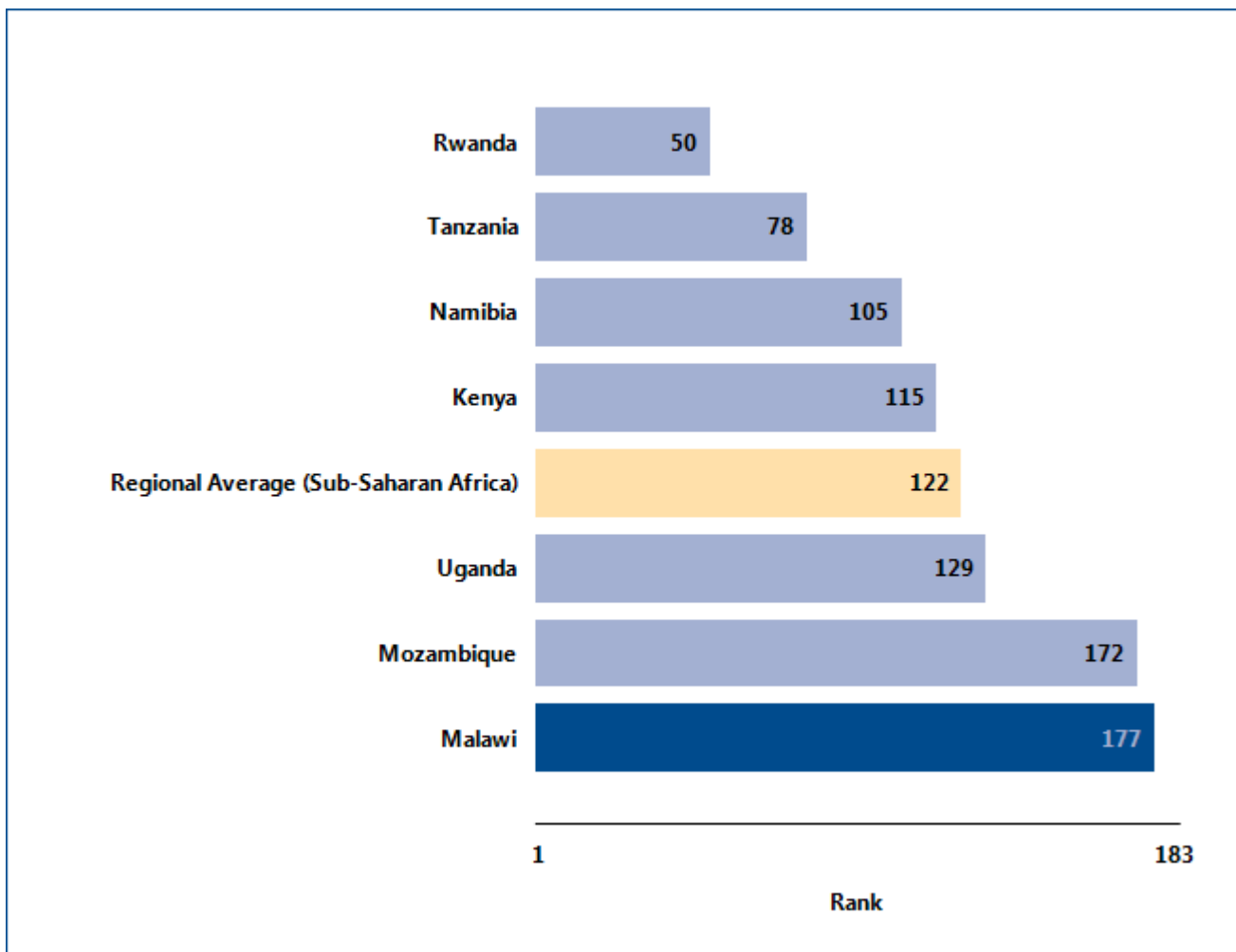
Source: *Doing Business* database.

## GETTING ELECTRICITY

Globally, Malawi stands at 177 in the ranking of 183 economies on the ease of getting electricity (figure 4.2). The rankings for comparator economies and the

regional average ranking provide another perspective in assessing how easy it is for an entrepreneur in Malawi to connect a warehouse to electricity.

Figure 4.2 How Malawi and comparator economies rank on the ease of getting electricity



Source: Doing Business database.

## GETTING ELECTRICITY

Even more helpful than rankings for other economies may be the indicators underlying those rankings (table 4.1). If obtaining a new electricity connection requires fewer procedures, less time or less cost in other

economies, the practices of their utilities may provide a model for Malawi on ways to improve the ease of getting electricity. Regional and global averages on these indicators may provide useful benchmarks.

Table 4.1 The ease of getting electricity in Malawi and comparator economies

Indicator	Malawi	Kenya	Mozambique	Namibia	Rwanda	Tanzania	Uganda	Sub-Saharan Africa average	Global average
Rank	177	115	172	105	50	78	129	122	..
Procedures (number)	6	4	9	7	4	4	5	5	5
Time (days)	244	163	117	55	30	109	91	137	111
Cost (% of income per capita)	9665.8	1419.2	2558.0	525.8	4696.8	1040.5	5130.1	5,429.8	1,942.3

Source: Doing Business database.

## GETTING ELECTRICITY

### What are the details?

The indicators reported here for Malawi are based on a set of specific procedures—the steps that an entrepreneur must complete to get a warehouse connected to electricity by the local distribution utility—identified by *Doing Business*. Data are collected from the distribution utility, then completed and verified by electricity regulatory agencies and independent professionals such as electrical engineers, electrical contractors and construction companies. The electricity distribution utility surveyed is the one serving the area (or areas) in which warehouses are located. If there is a choice of distribution utilities, the one serving the largest number of customers is selected.

#### OBTAINING AN ELECTRICITY CONNECTION

<b>City:</b>	<b>Blantyre</b>
<b>Name of Utility:</b>	<b>Electricity Supply Corporation of Malawi (ESCOM)</b>

The procedures are those that apply to a warehouse and electricity connection matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). The procedures, along with the associated time and cost, are summarized below.

#### Summary of procedures for getting electricity in Malawi—and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<b>Submit application with Electricity Supply Corporation of Malawi (ESCOM), sign contract and await external inspection</b> The application can be submitted in person or by mail. A sketch map of the site for the power connection has to be attached to the application. It does not have to be notarized. The customer immediately signs the contract. The quotation and the security deposit are paid at the utility.	22 calendar days	USD 12.9
2	<b>Electricity Supply Corporation of Malawi (ESCOM) carries out external inspection of the site</b> The customer has to wait for the external inspection. The inspection is necessary to prepare a technical study. Someone from the customer's party with an electrical background has to be present.	1 calendar day	no charge
3	<b>The client can purchase material on behalf of Electricity Supply Corporation of Malawi (ESCOM)</b> The policy of the utility is to provide all material. However, the customer can also purchase material themselves that is not available. The customer would purchase material on behalf of ESCOM. The transformer would be property of ESCOM and not the customer. The customer can be refunded the part of material cost that exceed what he/she was to pay to ESCOM for connection charges as contribution to the total project cost. However, in practice the partly refund of connection cost is rarely done.	105 calendar days	MWK 4,700,000.0
4	<b>* The client obtain an excavation permit at the City assembly</b> An excavation permit is needed in case a road has to be crossed. The client obtains the excavation permit at the City Assembly.	10 calendar days	no charge



No.	Procedure	Time to complete	Cost to complete
5	<p><b>Receive external connection works from Electricity Supply Corporation of Malawi (ESCOM)</b></p> <p>The utility is in charge of the design of the external connection. The physical works are carried out by the utility.</p>	95 calendar days	MWK 167,000.0
6	<p><b>* Electricity Supply Corporation of Malawi (ESCOM) carries out internal inspection and meter installation</b></p> <p>There is an internal inspection when the meter is installed. Someone from the customer's party has to be present. The meter is installed by the utility, however by another section than the one that did the works. Electricity starts flowing from the moment the connection is done.</p>	1 calendar day	MWK 250.0

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

## REGISTERING PROPERTY

Ensuring formal property rights is fundamental. Effective administration of land is part of that. If formal property transfer is too costly or complicated, formal titles might go informal again. And where property is informal or poorly administered, it has little chance of being accepted as collateral for loans—limiting access to finance.

### What do the indicators cover?

*Doing Business* records the full sequence of procedures necessary for a business to purchase property from another business and transfer the property title to the buyer's name. The transaction is considered complete when it is opposable to third parties and when the buyer can use the property, use it as collateral for a bank loan or resell it. The ranking on the ease of registering property is the simple average of the percentile rankings on its component indicators: procedures, time and cost.

To make the data comparable across economies, several assumptions about the parties to the transaction, the property and the procedures are used.

The parties (buyer and seller):

- Are limited liability companies, 100% domestically and privately owned.
- Are located in the periurban area of the economy's largest business city.
- Have 50 employees each, all of whom are nationals.
- Perform general commercial activities.

The property (fully owned by the seller):

- Has a value of 50 times income per capita. The sale price equals the value.
- Is registered in the land registry or cadastre, or both, and is free of title disputes.
- Is located in a periurban commercial zone, and no rezoning is required.

### WHAT THE REGISTERING PROPERTY INDICATORS MEASURE

#### Procedures to legally transfer title on immovable property (number)

Preregistration (for example, checking for liens, notarizing sales agreement, paying property transfer taxes)

Registration in the economy's largest business city

Postregistration (for example, filing title with the municipality)

#### Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

#### Cost required to complete each procedure (% of property value)

Official costs only, no bribes

No value added or capital gains taxes included

- Has no mortgages attached and has been under the same ownership for the past 10 years.
- Consists of 557.4 square meters (6,000 square feet) of land and a 10-year-old, 2-story warehouse of 929 square meters (10,000 square feet). The warehouse is in good condition and complies with all safety standards, building codes and legal requirements. The property will be transferred in its entirety.

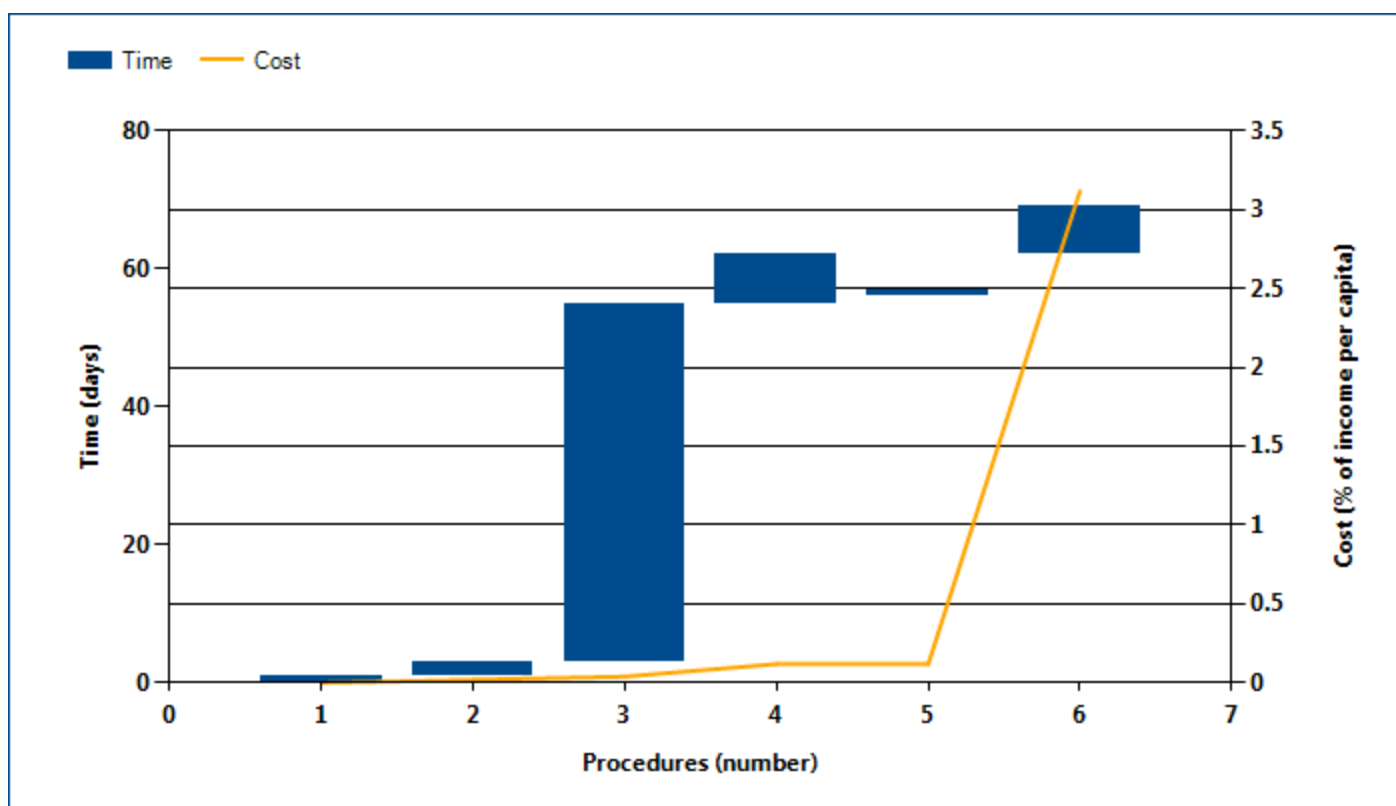
## REGISTERING PROPERTY

### Where does the economy stand today?

What does it take to complete a property transfer in Malawi? According to data collected by *Doing Business*, registering property there requires 6

procedures, takes 69 days and costs 3.2% of the property value (figure 5.1).

Figure 5.1 What it takes to register property in Malawi



Note: For details on the procedures reflected here, see the summary at the end of this chapter.

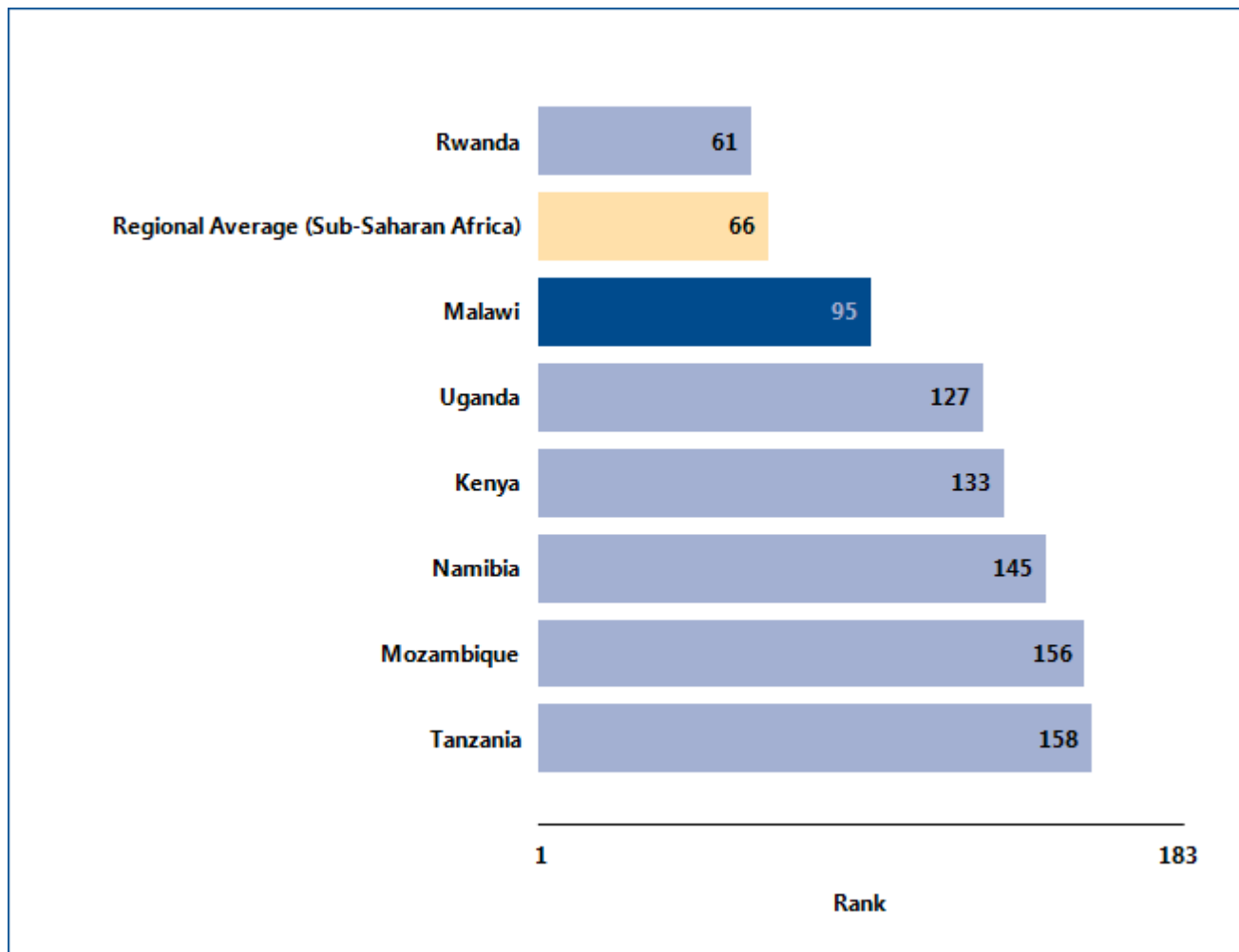
Source: *Doing Business* database.

## REGISTERING PROPERTY

Globally, Malawi stands at 95 in the ranking of 183 economies on the ease of registering property (figure 5.2). The rankings for comparator economies and the

regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Malawi to transfer property.

Figure 5.2 How Malawi and comparator economies rank on the ease of registering property



Source: Doing Business database.

## REGISTERING PROPERTY

### What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to register property in Malawi today, data over time show which aspects of the process have changed—and which have not (table 5.1). That can help identify where the potential for improvement is greatest.

Table 5.1 The ease of registering property in Malawi over time  
By *Doing Business* report year

Indicator	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
<b>Rank</b>	..	..	..	..	..	..	80	95
<b>Procedures (number)</b>	6	6	6	6	6	6	6	6
<b>Time (days)</b>	88	88	88	88	88	88	49	69
<b>Cost (% of property value)</b>	3.5	3.4	3.4	3.3	3.3	3.2	3.2	3.2

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology. For more information on “no practice” marks, see the data notes for details.

Source: *Doing Business* database.

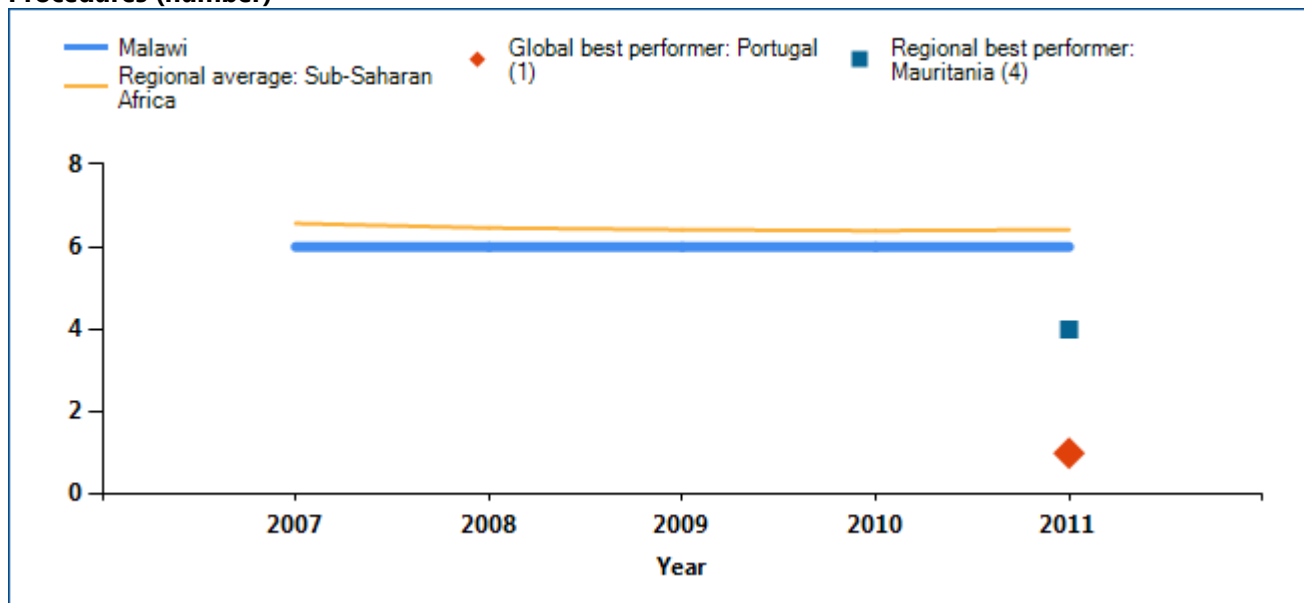
## REGISTERING PROPERTY

Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the procedures, time or cost required to complete a property transfer (figure 5.3).

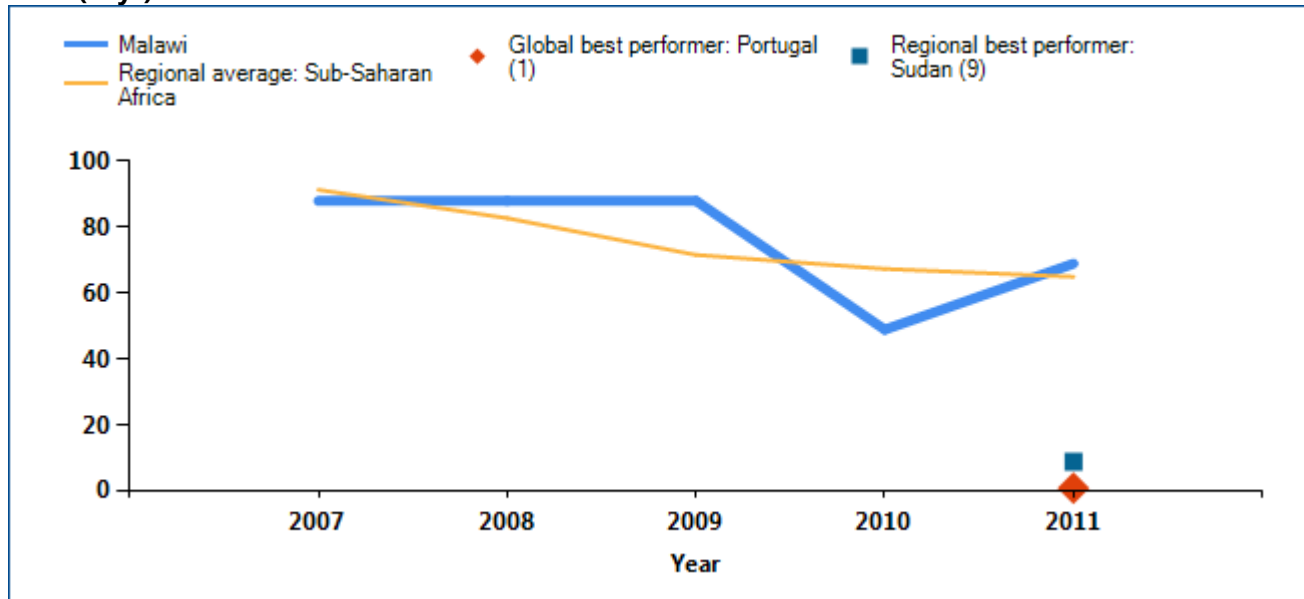
These economies may provide a model for Malawi on ways to improve the ease of registering property. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

Figure 5.3 Has registering property become easier over time?

### Procedures (number)

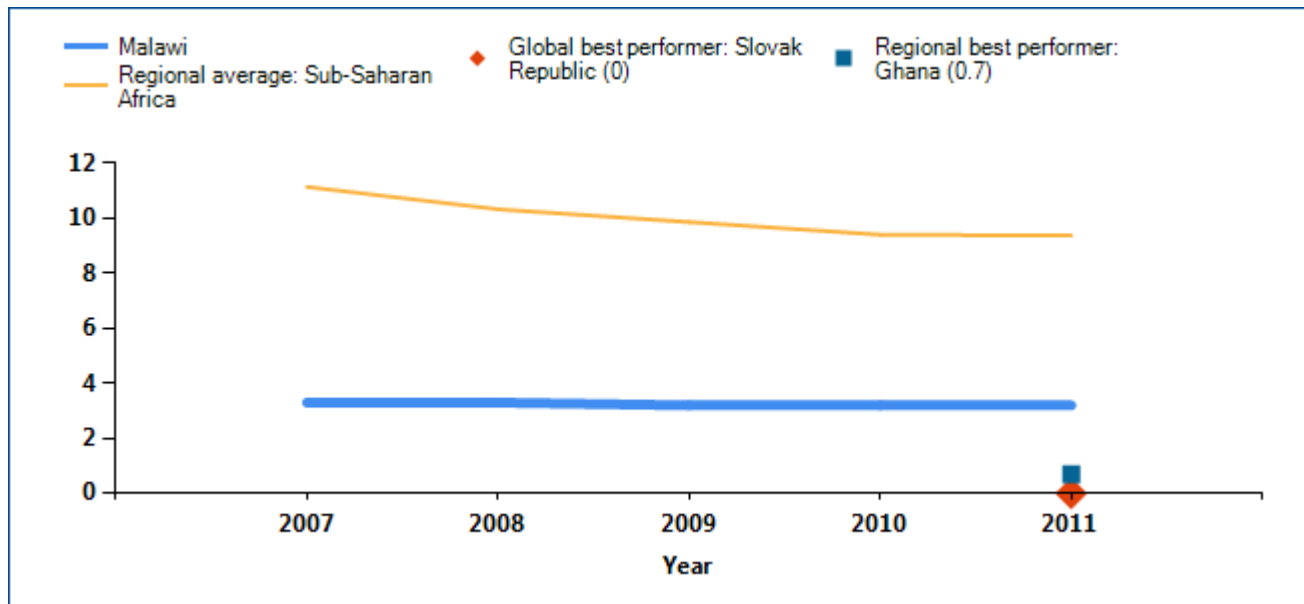


### Time (days)



## REGISTERING PROPERTY

### Cost (% of property value)



*Note:* The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator. In cases where no data are displayed above for the economy, this indicates that the economy has received a “no practice” mark; see the data notes for details.

*Source:* *Doing Business* database.

## REGISTERING PROPERTY

Economies worldwide have been making it easier for entrepreneurs to register and transfer property—such as by computerizing land registries, introducing time limits for procedures and setting low fixed fees. Many

have cut the time required substantially—enabling buyers to use or mortgage their property earlier. What property registration reforms has *Doing Business* recorded in Malawi (table 5.2)?

Table 5.2 How has Malawi made registering property easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	Malawi made property registration slower by no longer sustaining last year's time improvement in Compliance Certificate processing times at the Ministry of Lands.
DB2011	Malawi eased property transfers by cutting the wait for consents and registration of legal instruments by half.
DB2010	No reform.
DB2009	No reform.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.



## REGISTERING PROPERTY

### What are the details?

The indicators reported here are based on a set of specific procedures—the steps that a buyer and seller must complete to transfer the property to the buyer's name—identified by *Doing Business* through information collected from local property lawyers, notaries and property registries. These procedures are those that apply to a transaction matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover).

#### STANDARD PROPERTY TRANSFER

**City:** Blantyre  
**Property Value:** 2,518,786.0

The procedures, along with the associated time and cost, are summarized below.

#### Summary of procedures for registering property in Malawi—and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<p><b>Search for encumbrances at the Lands Registry</b></p> <p>Parties conduct a search at the Deeds Registry to ensure that no encumbrances are still pending on the property. The search can be conducted either by the title number (faster) or by plot number (slower). Malawi still has two systems of land title registration i.e. Title registration under the Registered Land Act and Title registration under the Deeds Registration Act. The former is simpler and searches are also simpler and quicker. If it is just one property search it takes no more than 15 minutes in the Title Registry but it may take longer in the Deeds Registry because of cross-referencing. For one property it could take on average about an hour.</p>	1 day	MWK 500
2	<p><b>Obtain City rates clearance certificate</b></p> <p>A letter is sent to the City Assembly to obtain a City rates clearance certificate. The parties search for unpaid city taxes on the property at the Municipality, which is free of charge. The system is computerized and it is just a matter of punching in the Rate Payer's details and the account comes up on the screen with all outstanding taxes. One can call to obtain the basic information, but this information cannot be used for official purposes. However, a written certificate is required to be signed by the Chief Executive, which substantially extends the time.</p>	1 day, up to one week	MWK 500
3	<p><b>Apply to Ministry of Lands for consent to transfer the property</b></p> <p>Parties apply to the Ministry of Lands for consent to transfer the property. The application now is done directly in Blantyre since The Ministry must give its approval of the transaction. The process starts with an application to the Regional Commissioner for Lands, who then forwards the application with an accompanying memo to the Principal Secretary at the Ministry of Lands, who then passes it on to the Minister's</p>	1.5 - 2 months on average	MWK 2,000

No.	Procedure	Time to complete	Cost to complete
	office.		
<b>4</b>	<p><b>* Obtain a Tax Clearance Certificate from the Malawi Revenue Authority</b></p> <p>Parties apply for a Tax Clearance Certificate from the Malawi Revenue Authority. The following documents must be provided to MRA</p> <ul style="list-style-type: none"> <li>(i) Original Title Deed</li> <li>(ii) Sale-purchase agreement</li> <li>(iii) Evaluation report from a certified evaluator</li> </ul>	7 (simultaneous with procedure 4)	no cost
<b>5</b>	<p><b>* Stamping of the conveyance deed at the Registrar General's office</b></p> <p>The deed application and other relevant documents are taken for stamping at the Registrar General's office. Other relevant documents include: personal identification of the people in charge of the registration procedure, consent certificate from the Minister of Lands (obtained in Procedure 3), old deed provided by the seller, and non-encumbrance certificate (obtained in Procedure 1). If done in person will take 1 day, but by mail could take 1 month.</p>	1 day (simultaneous with procedure 4)	3% of property value
<b>6</b>	<p><b>Apply for registration at the Deeds Registry</b></p> <p>The parties take all the documents for registration at the Deeds Registry that will issue a title deed under the name of the buyer. The City rates clearance certificate must be presented at that time</p> <p>The documentation shall include:</p> <ul style="list-style-type: none"> <li>Stamped deed (obtained in Procedure 4)</li> <li>Tax clearance certificate (obtained in Procedure 5)</li> </ul>	7 days	MWK 2,000

\* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

## GETTING CREDIT

Two types of frameworks can facilitate access to credit and improve its allocation: credit information systems and the legal rights of borrowers and lenders in collateral and bankruptcy laws. Credit information systems enable lenders to view a potential borrower's financial history (positive or negative)—valuable information to consider when assessing risk. And they permit borrowers to establish a good credit history that will allow easier access to credit. Sound collateral laws enable businesses to use their assets, especially movable property, as security to generate capital—while strong creditors' rights have been associated with higher ratios of private sector credit to GDP.

### What do the indicators cover?

*Doing Business* assesses the sharing of credit information and the legal rights of borrowers and lenders with respect to secured transactions through 2 sets of indicators. The depth of credit information index measures rules and practices affecting the coverage, scope and accessibility of credit information available through a public credit registry or a private credit bureau. The strength of legal rights index measures the degree to which collateral and bankruptcy laws protect the rights of borrowers and lenders and thus facilitate lending. *Doing Business* uses case scenarios to determine the scope of the secured transactions system, involving a secured borrower and a secured lender and examining legal restrictions on the use of movable collateral. These scenarios assume that the borrower:

- Is a private, limited liability company.
- Has its headquarters and only base of operations in the largest business city.

### WHAT THE GETTING CREDIT INDICATORS MEASURE

#### Strength of legal rights index (0–10)

Protection of rights of borrowers and lenders through collateral laws

Protection of secured creditors' rights through bankruptcy laws

#### Depth of credit information index (0–6)

Scope and accessibility of credit information distributed by public credit registries and private credit bureaus

#### Public credit registry coverage (% of adults)

Number of individuals and firms listed in public credit registry as percentage of adult population

#### Private credit bureau coverage (% of adults)

Number of individuals and firms listed in largest private credit bureau as percentage of adult population

- Has 100 employees.
- Is 100% domestically owned, as is the lender.

The ranking on the ease of getting credit is based on the percentile rankings on its component indicators: the depth of credit information index (weighted at 37.5%) and the strength of legal rights index (weighted at 62.5%).

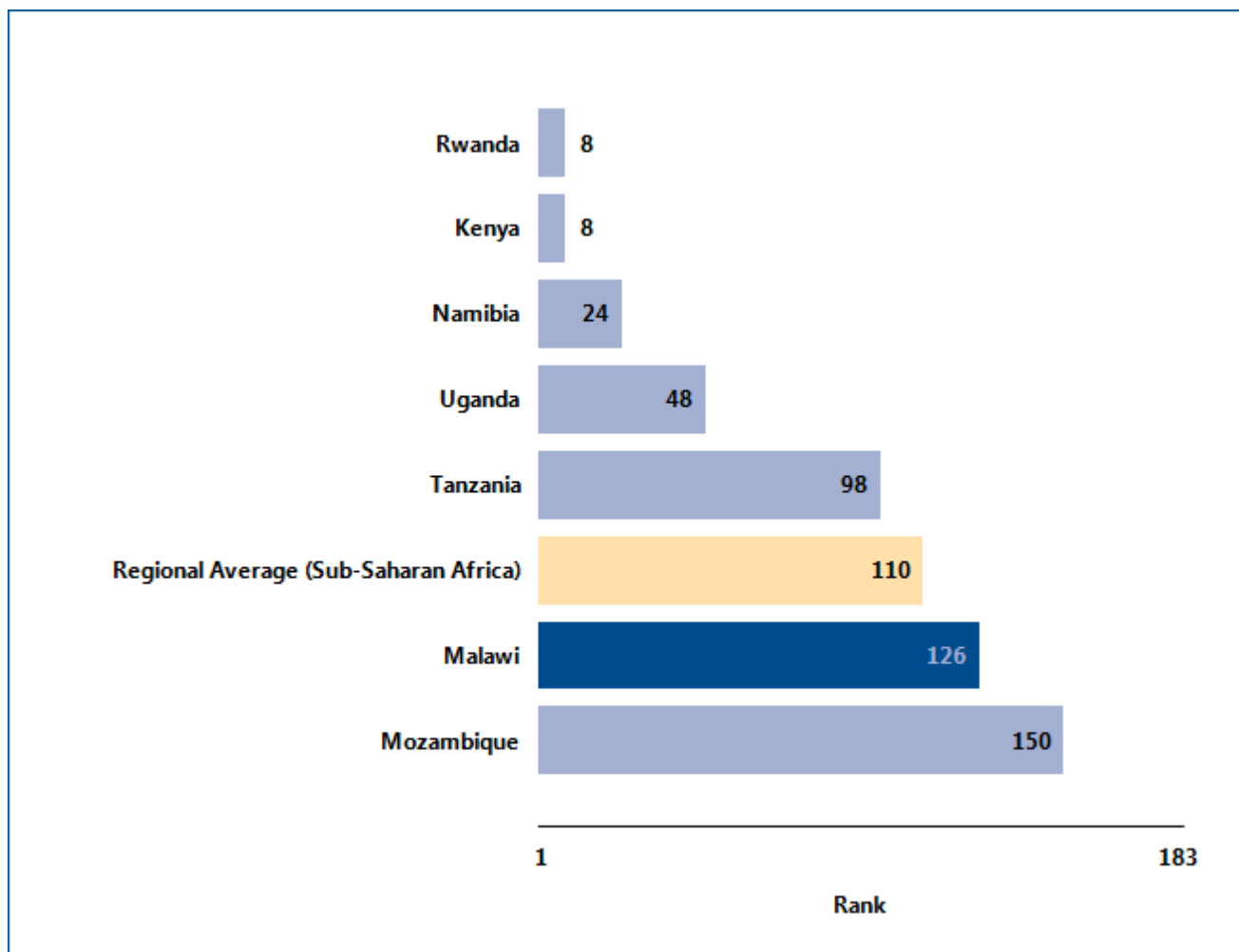
## GETTING CREDIT

### Where does the economy stand today?

How well do the credit information system and collateral and bankruptcy laws in Malawi facilitate access to credit? The economy has a score of 0 on the depth of credit information index and a score of 7 on the strength of legal rights index (see the summary of scoring at the end of this chapter for details). Higher scores indicate more credit information and stronger legal rights for borrowers and lenders.

Globally, Malawi stands at 126 in the ranking of 183 economies on the ease of getting credit (figure 6.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing how well regulations and institutions in Malawi support lending and borrowing.

Figure 6.1 How Malawi and comparator economies rank on the ease of getting credit



Source: Doing Business database.

## GETTING CREDIT

### What are the changes over time?

While the most recent *Doing Business* data reflect how well the credit information system and collateral and bankruptcy laws in Malawi support lending and borrowing today, data over time can help show where

institutions and regulations have been strengthened—and where they have not (table 6.1). That can help identify where the potential for improvement is greatest.

Table 6.1 The ease of getting credit in Malawi over time  
By *Doing Business* report year

Indicator	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
Rank	..	..	..	..	..	..	116	126
Strength of legal rights index (0-10)	7	7	7	7	7	7	7	7
Depth of credit information index (0-6)	0	0	0	0	0	0	0	0
Public registry coverage (% of adults)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Private bureau coverage (% of adults)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology.

Source: *Doing Business* database.

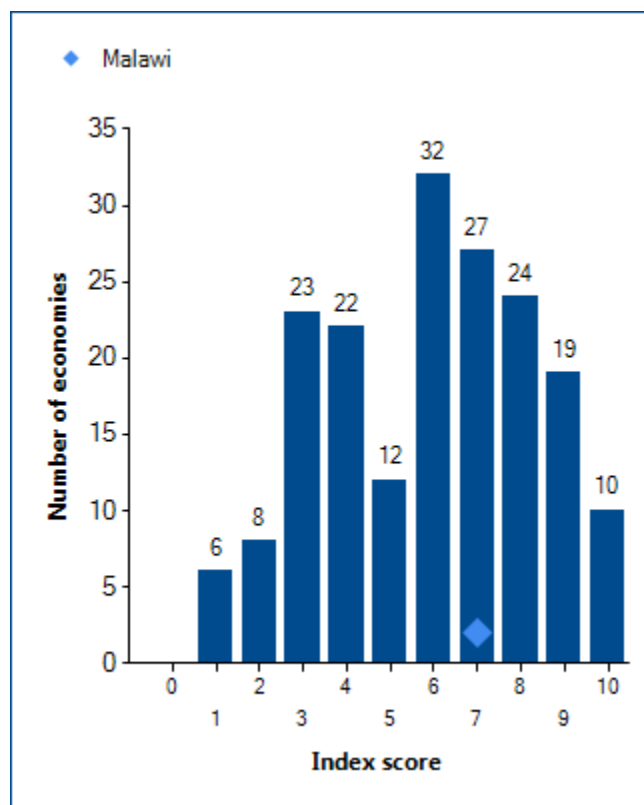
## GETTING CREDIT

One way to put an economy's getting credit indicators into context is to see where the economy stands in the distribution of scores across other economies. Figure 6.2 highlights the score on the strength of legal rights

index for Malawi in 2011 and shows the number of other economies having the same score in 2011. Figure 6.3 shows the same thing for the depth of credit information index.

Figure 6.2 Have legal rights for borrowers and lenders become stronger?

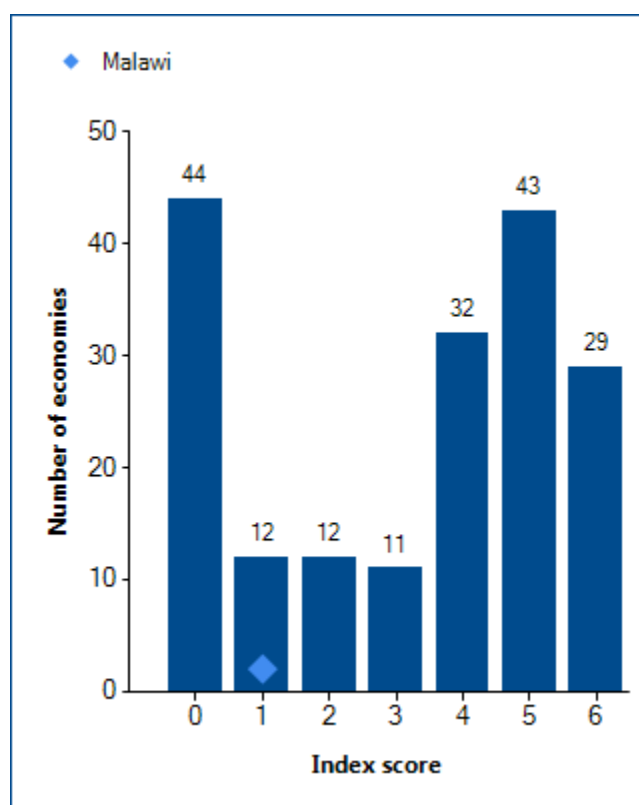
Number of economies with each score on strength of legal rights index (0–10), 2011



Source: Doing Business database.

Figure 6.3 Have the coverage and accessibility of credit information grown?

Number of economies with each score on depth of credit information index (0–6), 2011



Source: Doing Business database.

## GETTING CREDIT

When economies strengthen the legal rights of lenders and borrowers under collateral and bankruptcy laws, and increase the scope, coverage and accessibility of

credit information, they can increase entrepreneurs' access to credit. What credit reforms has *Doing Business* recorded in Malawi (table 6.2)?

Table 6.2 How has Malawi made getting credit easier—or not?  
By *Doing Business* report year

DB Year	Reform
<b>DB2012</b>	Malawi improved its credit information system by passing a new law allowing the creation of a private credit bureau.
<b>DB2011</b>	No reform.
<b>DB2010</b>	No reform.
<b>DB2009</b>	No reform.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

## GETTING CREDIT

### What are the details?

The getting credit indicators reported here for Malawi are based on detailed information collected in that economy. The data on credit information sharing are collected through a survey of a public credit registry or private credit bureau (if one exists). To construct the depth of credit information index, a score of 1 is assigned for each of 6 features of the public credit registry or private credit bureau (see summary of scoring below).

The data on the legal rights of borrowers and lenders are gathered through a survey of financial lawyers and verified through analysis of laws and regulations as well as public sources of information on collateral and bankruptcy laws. For the strength of legal rights index, a score of 1 is assigned for each of 8 aspects related to legal rights in collateral law and 2 aspects in bankruptcy law.

#### Summary of scoring for the getting credit indicators in Malawi

Indicator	Malawi	Sub-Saharan Africa	OECD high income
<b>Strength of legal rights index (0-10)</b>	7	6	7
<b>Depth of credit information index (0-6)</b>	0	2	5
<b>Public registry coverage (% of adults)</b>	0.0	3.2	9.5
<b>Private bureau coverage (% of adults)</b>	0.0	5.0	63.9

<b>Strength of legal rights index (0–10)</b>	<b>Index score: 7</b>
Can any business use movable assets as collateral while keeping possession of the assets; and any financial institution accept such assets as collateral ?	Yes
Does the law allow businesses to grant a non possessory security right in a single category of movable assets, without requiring a specific description of collateral?	Yes
Does the law allow businesses to grant a non possessory security right in substantially all of its assets, without requiring a specific description of collateral?	Yes
May a security right extend to future or after-acquired assets, and may it extend automatically to the products, proceeds or replacements of the original assets ?	Yes
Is a general description of debts and obligations permitted in collateral agreements; can all types of debts and obligations be secured between parties; and can the collateral agreement include a maximum amount for which the assets are encumbered?	Yes
Is a collateral registry in operation, that is unified geographically and by asset type, with an electronic database indexed by debtor's names?	No
Are secured creditors paid first (i.e. before general tax claims and employee claims) when a debtor defaults outside an insolvency procedure?	No



<b>Strength of legal rights index (0–10)</b>	<b>Index score: 7</b>
Are secured creditors paid first (i.e. before general tax claims and employee claims) when a business is liquidated?	No
Are secured creditors either not subject to an automatic stay or moratorium on enforcement procedures when a debtor enters a court-supervised reorganization procedure, or the law provides secured creditors with grounds for relief from an automatic stay or	Yes
Does the law allow parties to agree in a collateral agreement that the lender may enforce its security right out of court, at the time a security interest is created?	Yes

<b>Depth of credit information index (0–6)</b>	<b>Private credit bureau</b>	<b>Public credit registry</b>	<b>Index score: 0</b>
Are data on both firms and individuals distributed?	No	No	0
Are both positive and negative data distributed?	No	No	0
Does the registry distribute credit information from retailers, trade creditors or utility companies as well as financial institutions?	No	No	0
Are more than 2 years of historical credit information distributed?	No	No	0
Is data on all loans below 1% of income per capita distributed?	No	No	0
Is it guaranteed by law that borrowers can inspect their data in the largest credit registry?	No	No	0

Note: An economy receives a score of 1 if there is a "yes" to either private bureau or public registry.

<b>Coverage</b>	<b>Private credit bureau</b>	<b>Public credit registry</b>
<b>Number of firms</b>	0	0
<b>Number of individuals</b>	0	0

Source: Doing Business database.

## PROTECTING INVESTORS

Investor protections matter for the ability of companies to raise the capital they need to grow, innovate, diversify and compete. If the laws do not provide such protections, investors may be reluctant to invest unless they become the controlling shareholders. Strong regulations clearly define related-party transactions, promote clear and efficient disclosure requirements, require shareholder participation in major decisions of the company and set clear standards of accountability for company insiders.

### What do the indicators cover?

*Doing Business* measures the strength of minority shareholder protections against directors' use of corporate assets for personal gain—or self-dealing. The indicators distinguish 3 dimensions of investor protections: transparency of related-party transactions (extent of disclosure index), liability for self-dealing (extent of director liability index) and shareholders' ability to sue officers and directors for misconduct (ease of shareholder suits index). The ranking on the strength of investor protection index is the simple average of the percentile rankings on these 3 indices. To make the data comparable across economies, a case study uses several assumptions about the business and the transaction.

The business (Buyer):

- Is a publicly traded corporation listed on the economy's most important stock exchange (or at least a large private company with multiple shareholders).
- Has a board of directors and a chief executive officer (CEO) who may legally act on behalf of Buyer where permitted, even if this is not specifically required by law.

The transaction involves the following details:

- Mr. James, a director and the majority shareholder of the company, proposes that

### WHAT THE PROTECTING INVESTORS INDICATORS MEASURE

#### Extent of disclosure index (0–10)

Who can approve related-party transactions  
Disclosure requirements in case of related-party transactions

#### Extent of director liability index (0–10)

Ability of shareholders to hold interested parties and members of the approving body liable in case of related-party transactions

Available legal remedies (damages, repayment of profits, fines, imprisonment and rescission of the transaction)

Ability of shareholders to sue directly or derivatively

#### Ease of shareholder suits index (0–10)

Access to internal corporate documents (directly or through a government inspector)

Documents and information available during trial

#### Strength of investor protection index (0–10)

Simple average of the extent of disclosure, extent of director liability and ease of shareholder suits indices

the company purchase used trucks from another company he owns.

- The price is higher than the going price for used trucks, but the transaction goes forward.
- All required approvals are obtained, and all required disclosures made, though the transaction is prejudicial to Buyer.
- Shareholders sue the interested parties and the members of the board of directors.

## PROTECTING INVESTORS

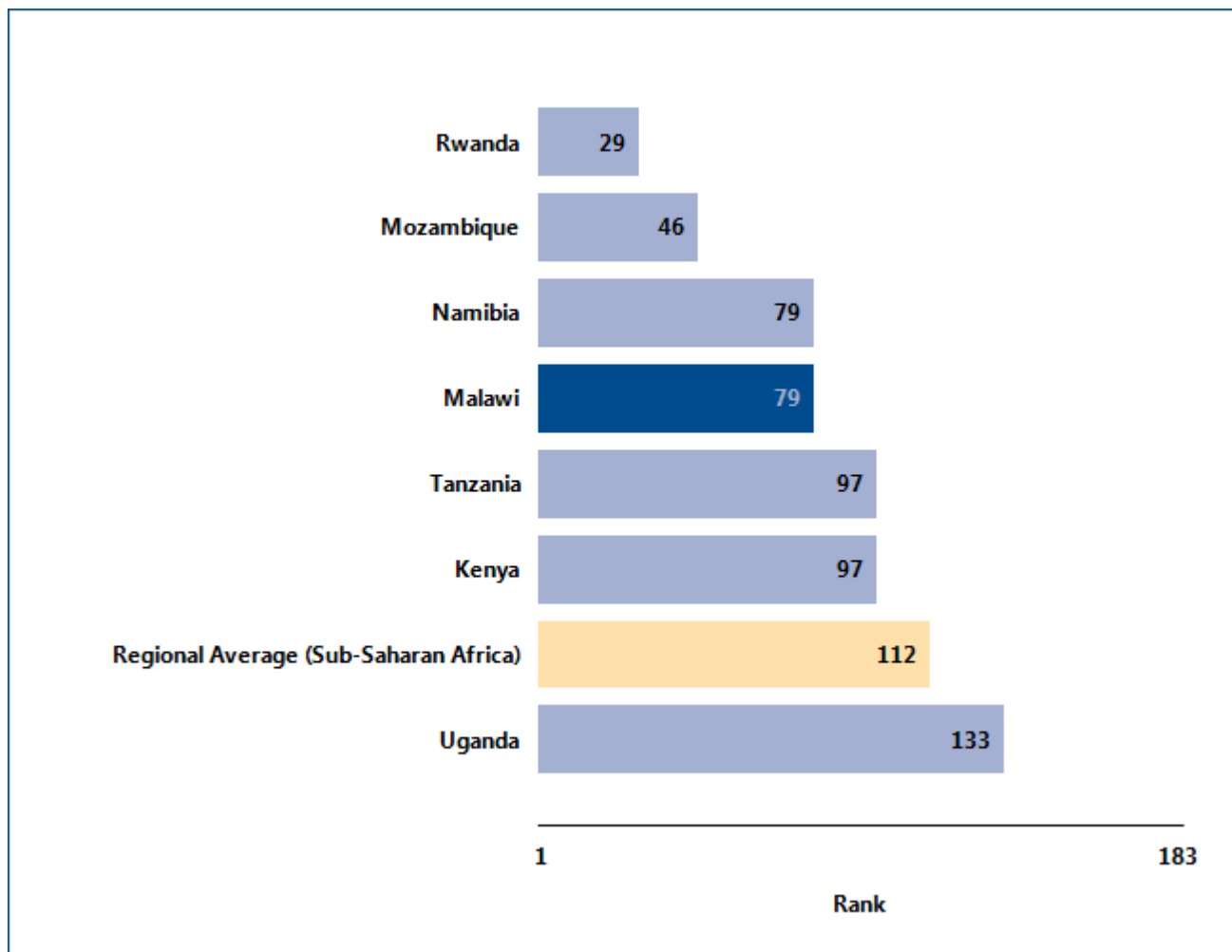
### Where does the economy stand today?

How strong are investor protections in Malawi? The economy has a score of 5.3 on the strength of investor protection index, with a higher score indicating stronger protections (see the summary of scoring at the end of this chapter for details).

Globally, Malawi stands at 79 in the ranking of 183 economies on the strength of investor protection

index (figure 7.1). While the indicator does not measure all aspects related to the protection of minority investors, a higher ranking does indicate that an economy's regulations offer stronger investor protections against self-dealing in the areas measured.

Figure 7.1 How Malawi and comparator economies rank on the strength of investor protection index



Source: Doing Business database.

## PROTECTING INVESTORS

### What are the changes over time?

While the most recent *Doing Business* data reflect how well regulations in Malawi protect minority investors today, data over time show whether the protections have been strengthened (table 7.1). And the global

ranking on the strength of investor protection index over time shows whether the economy is slipping behind other economies in investor protections—or surpassing them.

Table 7.1 The strength of investor protections in Malawi over time  
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
Rank	..	..	..	..	..	74	79
Extent of disclosure index (0-10)	4	4	4	4	4	4	4
Extent of director liability index (0-10)	7	7	7	7	7	7	7
Ease of shareholder suits index (0-10)	5	5	5	5	5	5	5
Strength of investor protection index (0-10)	5.3	5.3	5.3	5.3	5.3	5.3	5.3

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology.

Source: *Doing Business* database.

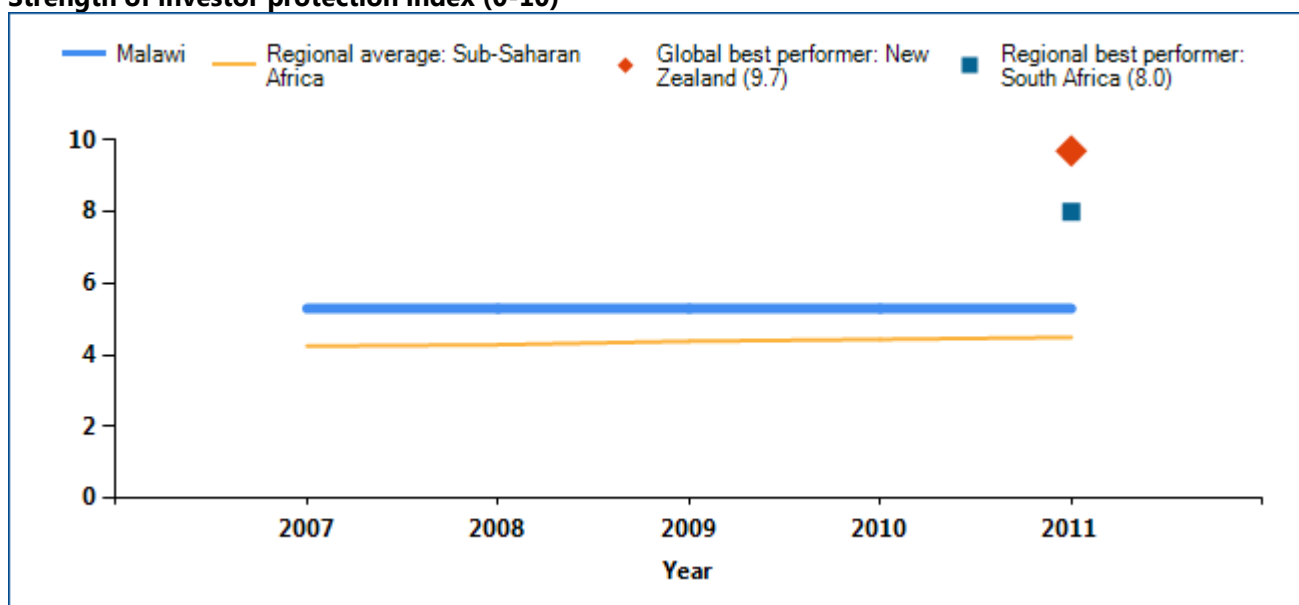
## PROTECTING INVESTORS

But the overall ranking on the strength of investor protection index tells only part of the story. Economies may offer strong protections in some areas but not others. So the scores recorded over time for Malawi on the extent of disclosure, extent of director liability and

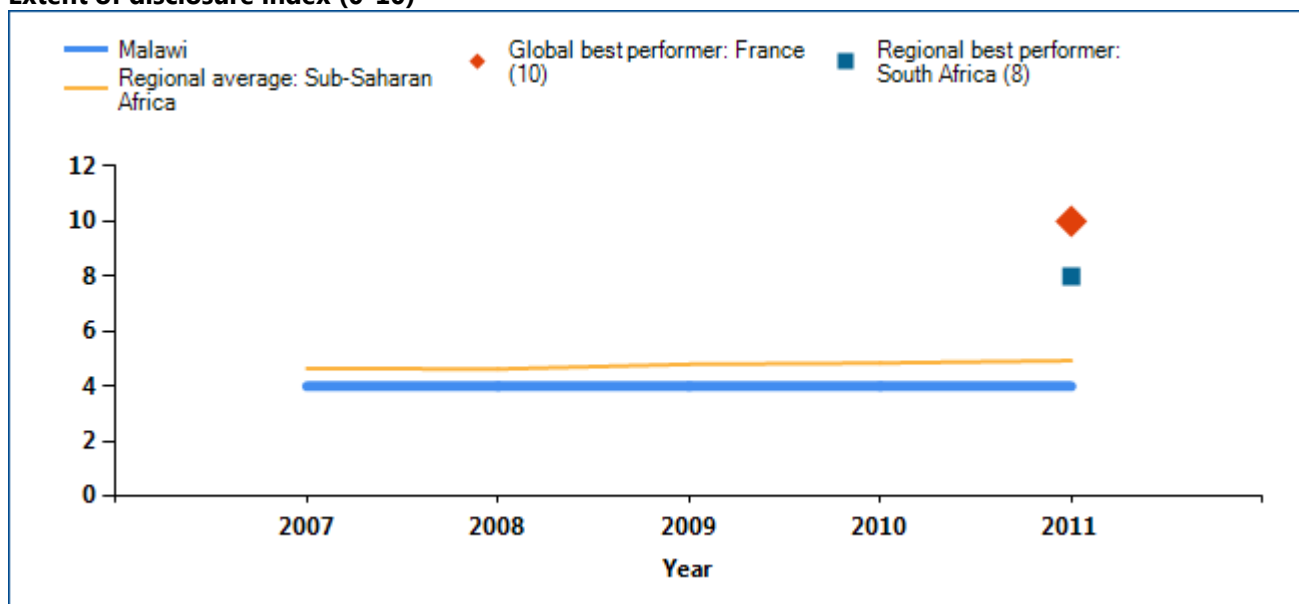
ease of shareholder suits indices may also be revealing (figure 7.2). Equally interesting may be the changes over time in the regional average scores for those indices.

Figure 7.2 Have investor protections become stronger?

### Strength of investor protection index (0-10)

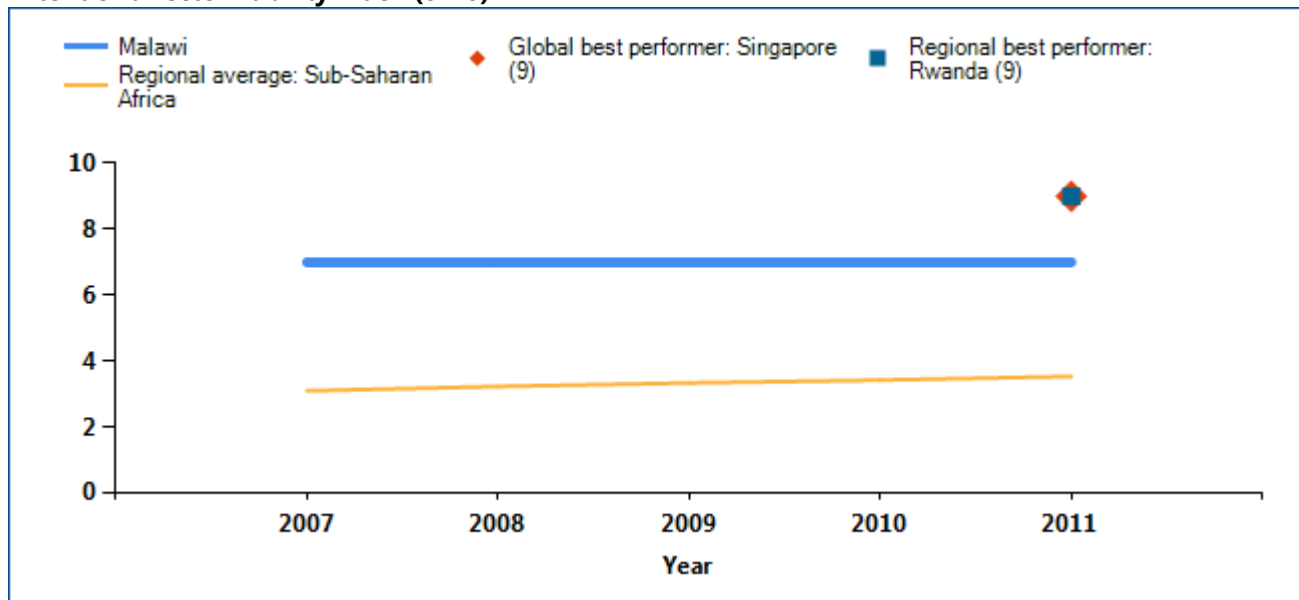


### Extent of disclosure index (0-10)

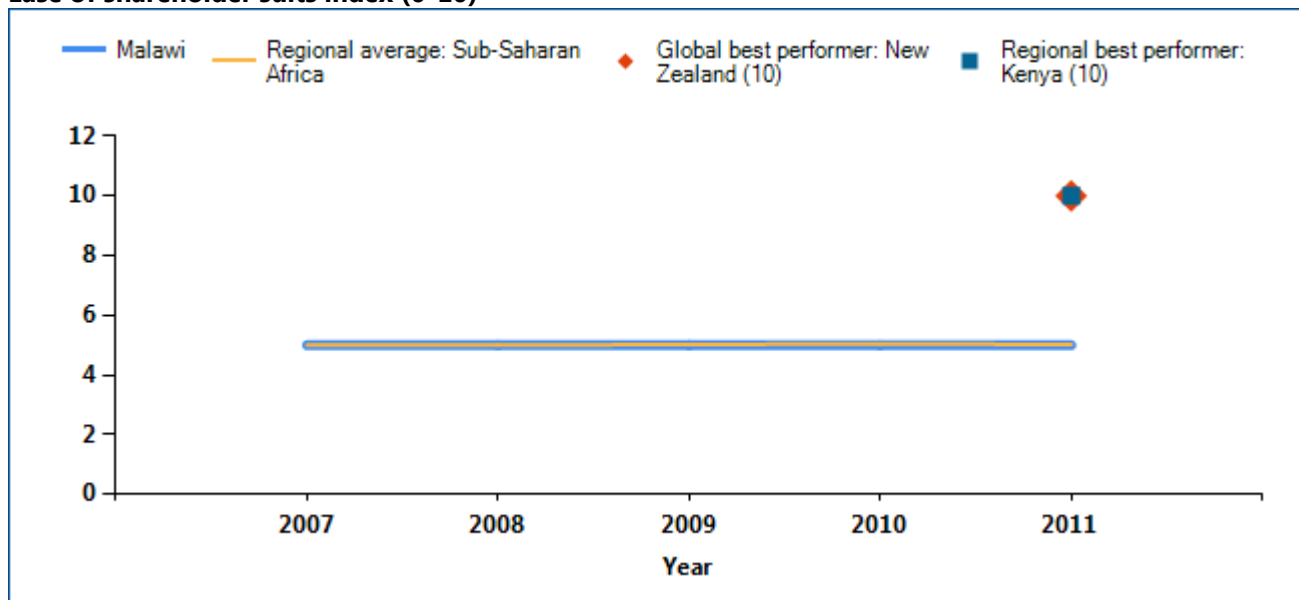


## PROTECTING INVESTORS

### Extent of director liability index (0-10)



### Ease of shareholder suits index (0-10)



Note: The higher the score, the stronger the investor protections. The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator.

Source: *Doing Business* database.

## PROTECTING INVESTORS

Economies with the strongest protections of minority investors from self-dealing require more disclosure and define clear duties for directors. They also have well-functioning courts and up-to-date procedural rules that give minority investors the means to prove their case and obtain a judgment within a reasonable

time. So reforms to strengthen investor protections may move ahead on different fronts—such as through new or amended company laws or civil procedure rules. What investor protection reforms has *Doing Business* recorded in Malawi (table 7.2)?

Table 7.2 How has Malawi strengthened investor protections—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	No reform.
DB2011	No reform.
DB2010	No reform.
DB2009	No reform.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

## PROTECTING INVESTORS

### What are the details?

The protecting investors indicators reported here for Malawi are based on detailed information collected through a survey of corporate and securities lawyers and are based on securities regulations, company laws and court rules of evidence. To construct the extent of disclosure, extent of director liability and ease of

shareholder suits indices, a score is assigned for each of a range of conditions relating to disclosure, director liability and shareholder suits in a standard case study transaction (see the notes at the end of this chapter). The summary below shows the details underlying the scores for Malawi.

#### Summary of scoring for the protecting investors indicators in Malawi

Indicator	Malawi	Sub-Saharan Africa	OECD high income
<b>Extent of disclosure index (0-10)</b>	4	5	6
<b>Extent of director liability index (0-10)</b>	7	4	5
<b>Ease of shareholder suits index (0-10)</b>	5	5	7
<b>Strength of investor protection index (0-10)</b>	5.3	4.5	6.0

	Score
Extent of disclosure index (0-10)	4
What corporate body provides legally sufficient approval for the transaction?	2
Whether disclosure of the conflict of interest by Mr. James to the board of directors is required?	1
Whether immediate disclosure of the transaction to the public and/or shareholders is required?	0
Whether disclosure of the transaction in published periodic filings (annual reports) is required?	1
Whether an external body must review the terms of the transaction before it takes place?	0
Extent of director liability index (0-10)	7
Whether shareholders can sue directly or derivatively for the damage that the Buyer-Seller transaction causes to the company?	1
Whether shareholders can hold Mr. James liable for the damage that the Buyer-Seller transaction causes to the company?	2
Whether shareholders can hold members of the approving body liable for the damage that the Buyer-Seller transaction causes to the company?	2
Whether a court can void the transaction upon a successful claim by a shareholder plaintiff?	1



	Score
Whether Mr. James pays damages for the harm caused to the company upon a successful claim by the shareholder plaintiff?	1
Whether Mr. James repays profits made from the transaction upon a successful claim by the shareholder plaintiff?	0
Whether fines and imprisonment can be applied against Mr. James?	0
Ease of shareholder suits index (0-10)	5
Whether shareholders owning 10% or less of Buyer's shares can inspect transaction documents before filing suit?	0
Whether shareholders owning 10% or less of Buyer's shares can request an inspector to investigate the transaction?	0
Whether the plaintiff can obtain any documents from the defendant and witnesses during trial?	2
Whether the plaintiff can request categories of documents from the defendant without identifying specific ones?	0
Whether the plaintiff can directly question the defendant and witnesses during trial?	2
Whether the level of proof required for civil suits is lower than that of criminal cases?	1
Strength of investor protection index (0-10)	5.3

Source: *Doing Business* database.

## Notes:

### Extent of disclosure index (0–10)

Scoring for the extent of disclosure index is based on 5 components:

*Which corporate body can provide legally sufficient approval for the transaction*

0 = CEO or managing director alone; 1 = shareholders or board of directors vote and Mr. James can vote; 2 = board of directors votes and Mr. James cannot vote; 3 = shareholders vote and Mr. James cannot vote.

*Whether disclosure of the conflict of interest by Mr. James to the board of directors is required*

0 = no disclosure; 1 = disclosure of the existence of a conflict without any specifics; 2 = full disclosure of all material facts.

*Whether immediate disclosure of the transaction to the public, the regulator or the shareholders is required*

0 = no disclosure; 1 = disclosure on the transaction only; 2 = disclosure on the transaction and Mr. James's conflict of interest.

*Whether disclosure of the transaction in the annual report is required*

0 = no disclosure; 1 = disclosure on the transaction only; 2 = disclosure on the transaction and Mr. James's conflict of interest.

*Whether it is required that an external body (for example, an external auditor) review the transaction before it takes place*

0 = no; 1 = yes.

### **Extent of director liability index (0–10)**

Scoring for the extent of director liability index is based on 7 components:

*Whether shareholders can sue directly or derivatively for the damage that the Buyer-Seller transaction causes to the company*

0 = suits are unavailable or available only for shareholders holding more than 10% of the company's share capital; 1 = direct or derivative suits available for shareholders holding 10% of share capital or less.

*Whether shareholders can hold Mr. James liable for the damage that the transaction causes to the company*

0 = Mr. James is not liable or is liable only if he acted fraudulently or in bad faith; 1 = Mr. James is liable if he influenced the approval or was negligent; 2 = Mr. James is liable if the transaction is unfair or prejudicial to the other shareholders.

*Whether shareholders can hold the approving body (the CEO or members of the board of directors) liable for the damage that the transaction causes to the company*

0 = members of the approving body are either not liable or liable only if they acted fraudulently or in bad faith; 1 = liable for negligence in the approval of the transaction; 2 = liable if the transaction is unfair or prejudicial to the other shareholders.

*Whether a court can void the transaction upon a successful claim by a shareholder plaintiff*

0 = rescission is unavailable or available only in case of Seller's fraud or bad faith; 1 = rescission is available when the transaction is oppressive or prejudicial to the other shareholders; 2 = rescission is available when the transaction is unfair or entails a conflict of interest.

*Whether Mr. James pays damages for the harm caused to the company upon a successful claim by the shareholder plaintiff*

0 = no; 1 = yes.

*Whether Mr. James repays profits made from the transaction upon a successful claim by the shareholder plaintiff*

0 = no; 1 = yes.

*Whether both fines and imprisonment can be applied against Mr. James*

0 = no; 1 = yes.

### **Ease of shareholder suits index (0–10)**

Scoring for the ease of shareholder suits index is based on 6 components:

*What range of documents is available to the plaintiff from the defendant and witnesses during trial*

Score of 1 for each of the following: information that the defendant has indicated he intends to rely on for his defense; information that directly proves specific facts in the plaintiff's claim; any information relevant to the subject matter of the claim; and any information that may lead to the discovery of relevant information.

*Whether the plaintiff can directly examine the defendant and witnesses during trial*

0 = no; 1 = yes, with prior approval by the court of the questions posed; 2 = yes, without prior approval.

*Whether the plaintiff can obtain categories of relevant documents from the defendant without identifying each document specifically*

0 = no; 1 = yes.

*Whether shareholders owning 10% or less of the company's share capital can request that a government inspector investigate the transaction without filing suit in court*

0 = no; 1 = yes.

*Whether shareholders owning 10% or less of the company's share capital have the right to inspect the transaction documents before filing suit*

0 = no; 1 = yes.

*Whether the standard of proof for civil suits is lower than that for a criminal case*

0 = no; 1 = yes.

#### **Strength of investor protection index (0–10)**

Simple average of the extent of disclosure, extent of director liability and ease of shareholder suits indices.

## PAYING TAXES

Taxes are essential. They fund the public amenities, infrastructure and services that are crucial for a properly functioning economy. But the level of tax rates needs to be carefully chosen—and needless complexity in tax rules avoided. According to *Doing Business* data, in economies where it is more difficult and costly to pay taxes, larger shares of economic activity end up in the informal sector—where businesses pay no taxes at all.

### What do the indicators cover?

Using a case scenario, *Doing Business* measures the taxes and mandatory contributions that a medium-size company must pay in a given year as well as the administrative burden of paying taxes and contributions. This case scenario uses a set of financial statements and assumptions about transactions made over the year. Information is also compiled on the frequency of filing and payments as well as time taken to comply with tax laws. The ranking on the ease of paying taxes is the simple average of the percentile rankings on its component indicators: number of annual payments, time and total tax rate, with a threshold being applied to the total tax rate.<sup>2</sup> To make the data comparable across economies, several assumptions about the business and the taxes and contributions are used.

- TaxpayerCo is a medium-size business that started operations on January 1, 2009.
- The business starts from the same financial position in each economy. All the taxes and mandatory contributions paid during the second year of operation are recorded.
- Taxes and mandatory contributions are measured at all levels of government.

### WHAT THE PAYING TAXES INDICATORS MEASURE

#### Tax payments for a manufacturing company in 2010 (number per year adjusted for electronic or joint filing and payment)

Total number of taxes and contributions paid, including consumption taxes (value added tax, sales tax or goods and service tax)

Method and frequency of filing and payment

#### Time required to comply with 3 major taxes (hours per year)

Collecting information and computing the tax payable

Completing tax return forms, filing with proper agencies

Arranging payment or withholding

Preparing separate tax accounting books, if required

#### Total tax rate (% of profit before all taxes)

Profit or corporate income tax

Social contributions and labor taxes paid by the employer

Property and property transfer taxes

Dividend, capital gains and financial transactions taxes

Waste collection, vehicle, road and other taxes

- Taxes and mandatory contributions include corporate income tax, turnover tax and all labor taxes and contributions paid by the company.
- A range of standard deductions and exemptions are also recorded.

<sup>2</sup> The threshold is defined as the highest total tax rate among the top 30% of economies in the ranking on the total tax rate. It will be calculated and adjusted on a yearly basis. The threshold is not based on any underlying theory. Instead, it is intended to mitigate the effect of very low tax rates on the ranking on the ease of paying taxes.

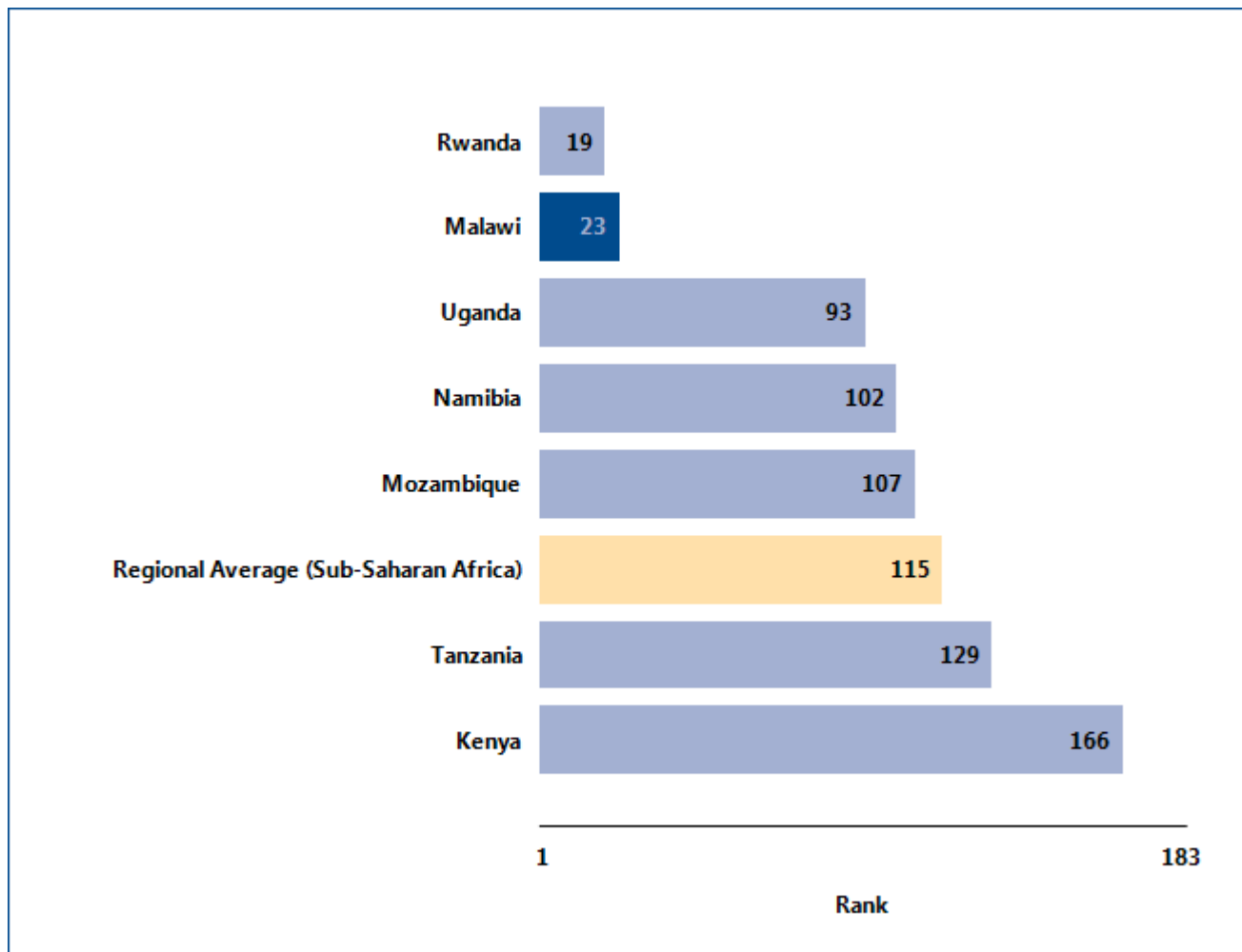
## PAYING TAXES

### Where does the economy stand today?

What is the administrative burden of complying with taxes in Malawi—and how much do firms pay in taxes? On average, firms make 19 tax payments a year, spend 157 hours a year filing, preparing and paying taxes and pay total taxes amounting to 23.6% of profit (see the summary at the end of this chapter for details).

Globally, Malawi stands at 23 in the ranking of 183 economies on the ease of paying taxes (figure 8.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing the tax compliance burden for businesses in Malawi.

Figure 8.1 How Malawi and comparator economies rank on the ease of paying taxes



Note: DB2012 rankings reflect changes to the methodology. For all economies with a total tax rate below the threshold of 32.5% applied in DB2012, the total tax rate is set at 32.5% for the purpose of calculating the ranking on the ease of paying taxes.

Source: *Doing Business* database.

## PAYING TAXES

### What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to comply with tax rules in Malawi today, data over time show which aspects of

the process have changed — and which have not (table 8.1). That can help identify where the potential for easing tax compliance is greatest.

Table 8.1 The ease of paying taxes in Malawi over time  
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
<b>Rank</b>	..	..	..	..	..	22	23
<b>Payments (number per year)</b>	19	19	19	19	19	19	19
<b>Time (hours per year)</b>	370	370	370	292	157	157	157
<b>Total tax rate (% profit)</b>	32.6	32.6	32.2	31.4	25.8	25.1	28.2

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology. For all economies with a total tax rate below the threshold of 32.5% applied in DB2012, the total tax rate is set at 32.5% for the purpose of calculating the rank on the ease of paying taxes.

Source: *Doing Business* database.

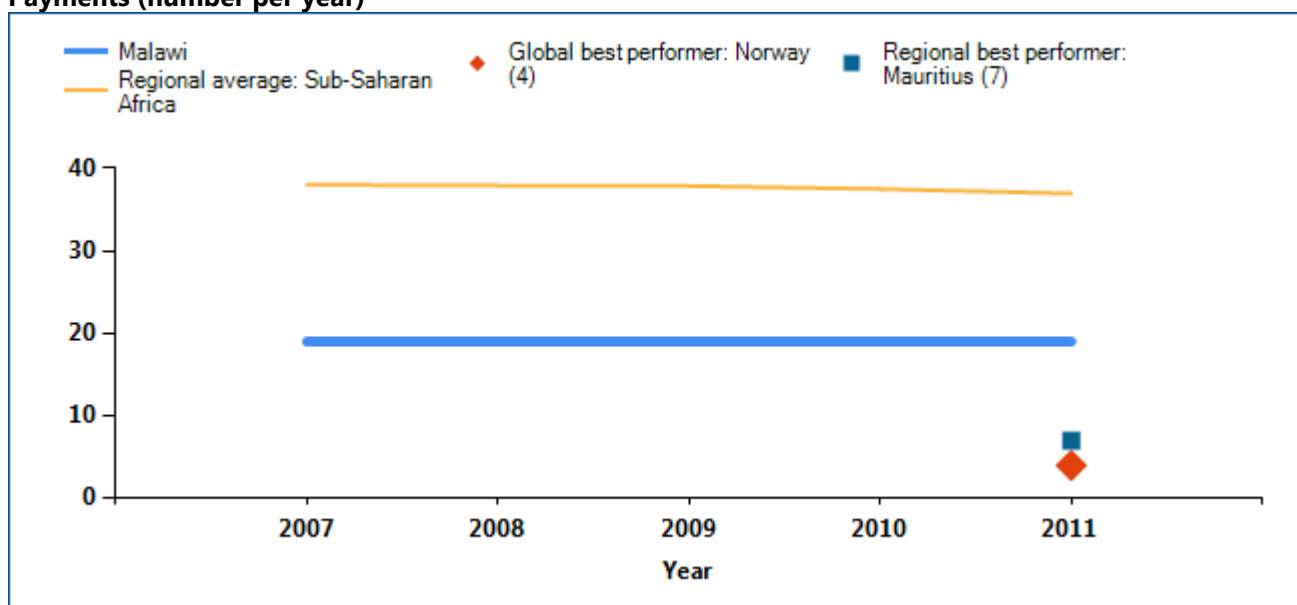
## PAYING TAXES

Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the number of payments or the time required to prepare and file taxes (figure 8.2). These economies may provide a model for Malawi on

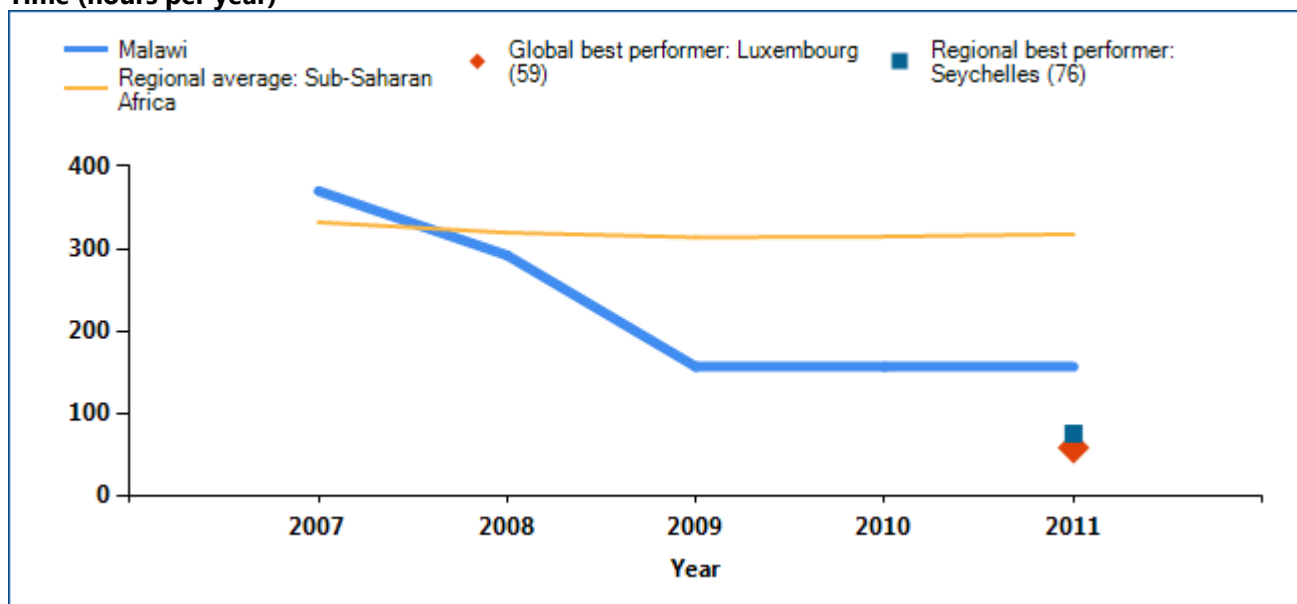
ways to ease the administrative burden of tax compliance. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

Figure 8.2 Has paying taxes become easier over time?

### Payments (number per year)

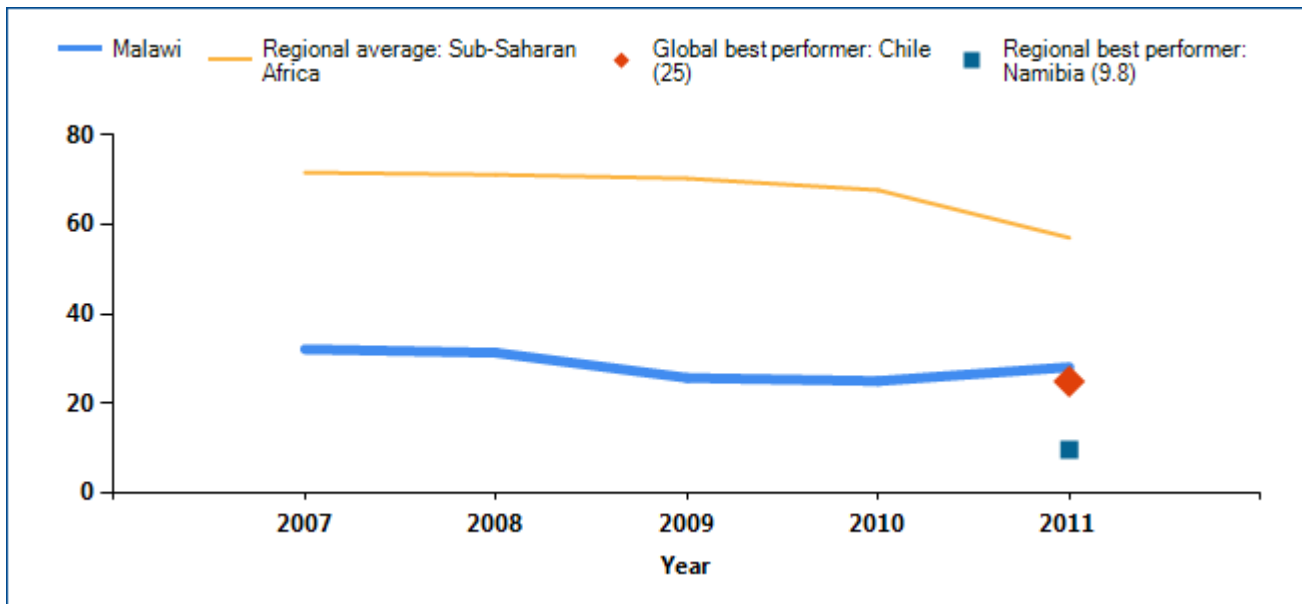


### Time (hours per year)



## PAYING TAXES

### Total tax rate (% of profit)



*Note:* The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. The best performer globally on an indicator has implemented the most efficient practices in its tax system but is not necessarily the one with the highest ranking on the indicator. In some cases 2 or more economies share the top regional ranking on an indicator. DB2012 rankings reflect changes to the methodology. For all economies with a total tax rate below the threshold of 32.5% applied in DB2012, the total tax rate is set at 32.5% for the purpose of calculating the ranking on the ease of paying taxes.

*Source:* Doing Business database.



## PAYING TAXES

Economies around the world have made paying taxes faster and easier for businesses—such as by consolidating filings, reducing the frequency of payments or offering electronic filing and payment. Many have lowered tax rates. Changes have brought

concrete results. Some economies simplifying tax payment and reducing rates have seen tax revenue rise. What tax reforms has *Doing Business* recorded in Malawi (table 8.2)?

Table 8.2 How has Malawi made paying taxes easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	No reform.
DB2011	No reform.
DB2010	No reform.
DB2009	No reform.

*Note:* For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

*Source:* *Doing Business* database.

## PAYING TAXES

### What are the details?

The indicators reported here for Malawi are based on a standard set of taxes and contributions that would be paid by the case study company used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). Tax practitioners are asked to review standard financial statements as well as a standard list of transactions that the company

completed during the year. Respondents are asked how much in taxes and mandatory contributions the business must pay and what the process is for doing so. The taxes and contributions paid are listed in the summary below, along with the associated number of payments, time and tax rate.

#### Summary of tax rates and administrative burden in Malawi

Indicator	Malawi	Sub-Saharan Africa	OECD high income
Payments (number per year)	19	37	13
Time (hours per year)	157	318	186
Profit tax (%)	23.6	18.1	15.4
Labor tax and contributions (%)	1.1	13.5	24.0
Other taxes (%)	3.5	25.5	3.2
Total tax rate (% profit)	28.2	57.1	42.7

Tax or mandatory contribution	Payments (number)	Notes on payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% of profit)	Notes on total tax rate
Corporate Income tax	2		67	30.0%	taxable profits	23.6	
Road tax	1		0	various rates	vehicle weight	2.8	
TEVETA Levy	1		60	1.0%	gross salaries	1.1	
Fuel tax	1		0	20.0%	consumption value	0.7	
Property tax	1		0	0.0%	assessed building value	0	
Stamp duty	1		0	MWK 0.8	per contract	0	small amount

Tax or mandatory contribution	Payments (number)	Notes on payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% of profit)	Notes on total tax rate
Value added tax (VAT)	12		30	16.5%	value added and land sale	0	not included
<b>Totals</b>	<b>19</b>		<b>157</b>			<b>28.2</b>	

Note: DB2012 rankings reflect changes to the methodology. For all economies with a total tax rate below the threshold of 32.5% applied in DB2012, the total tax rate is set at 32.5% for the purpose of calculating the ranking on the ease of paying taxes.

Source: *Doing Business* database.

## TRADING ACROSS BORDERS

In today's globalized world, making trade between economies easier is increasingly important for business. Excessive document requirements, burdensome customs procedures, inefficient port operations and inadequate infrastructure all lead to extra costs and delays for exporters and importers, stifling trade potential. Research shows that exporters in developing countries gain more from a 10% drop in their trading costs than from a similar reduction in the tariffs applied to their products in global markets.

### What do the indicators cover?

*Doing Business* measures the time and cost (excluding tariffs) associated with exporting and importing a standard shipment of goods by ocean transport, and the number of documents necessary to complete the transaction. The indicators cover procedural requirements such as documentation requirements and procedures at customs and other regulatory agencies as well as at the port. They also cover trade logistics, including the time and cost of inland transport to the largest business city. The ranking on the ease of trading across borders is the simple average of the percentile rankings on its component indicators: documents, time and cost to export and import.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the traded goods.

The business:

- Is of medium size and employs 60 people.
- Is located in the periurban area of the economy's largest business city.
- Is a private, limited liability company, domestically owned, formally registered and operating under commercial laws and regulations of the economy.

The traded goods:

- Are not hazardous nor do they include military items.

### WHAT THE TRADING ACROSS BORDERS INDICATORS MEASURE

#### Documents required to export and import (number)

- Bank documents
- Customs clearance documents
- Port and terminal handling documents
- Transport documents

#### Time required to export and import (days)

- Obtaining all the documents
- Inland transport and handling
- Customs clearance and inspections
- Port and terminal handling
- Does not include ocean transport time

#### Cost required to export and import (US\$ per container)

- All documentation
- Inland transport and handling
- Customs clearance and inspections
- Port and terminal handling
- Official costs only, no bribes

- Do not require refrigeration or any other special environment.
- Do not require any special phytosanitary or environmental safety standards other than accepted international standards.
- Are one of the economy's leading export or import products.
- Are transported in a dry-cargo, 20-foot full container load.

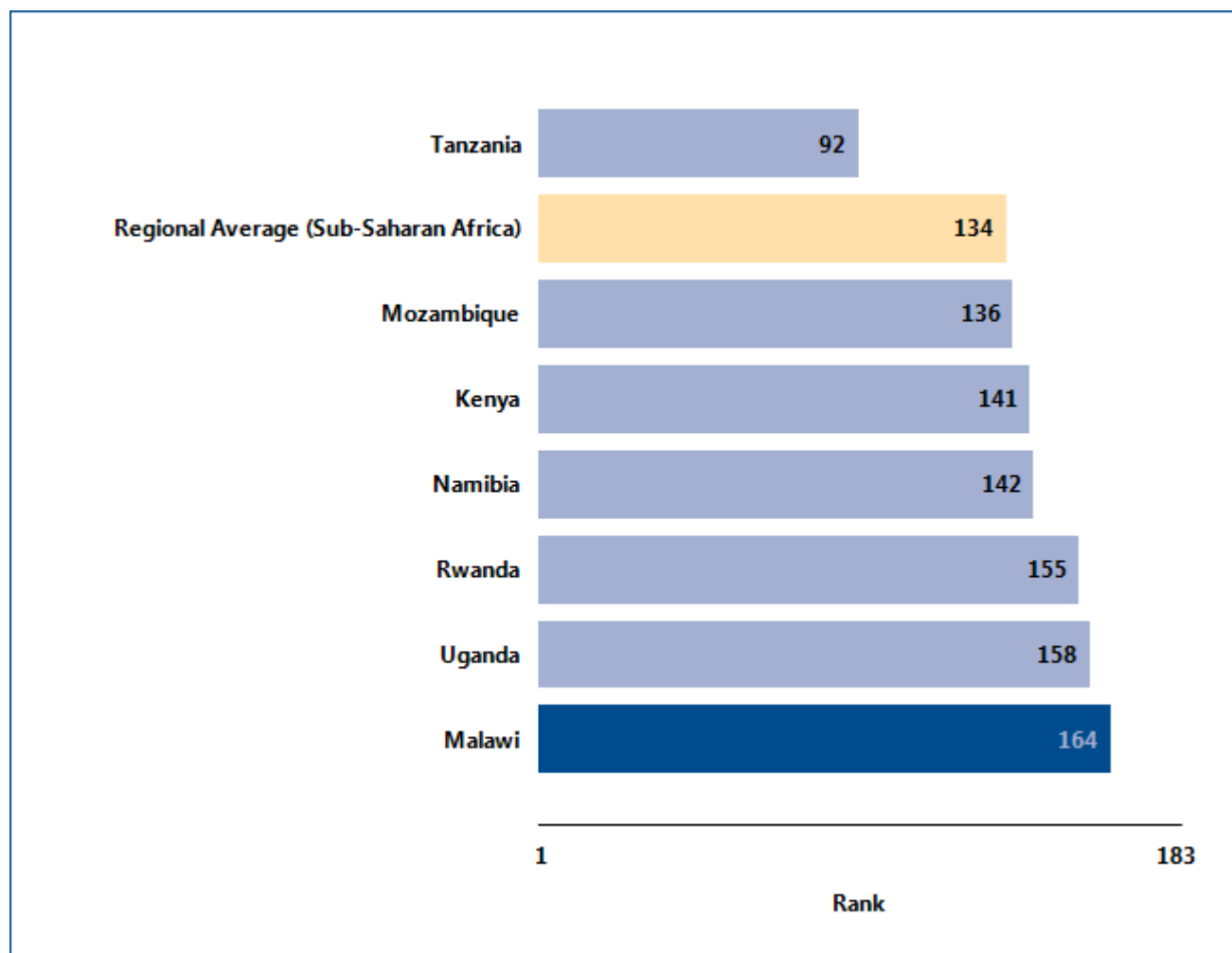
## TRADING ACROSS BORDERS

### Where does the economy stand today?

What does it take to export or import in Malawi? According to data collected by *Doing Business*, exporting a standard container of goods requires 10 documents, takes 41 days and costs \$1675. Importing the same container of goods requires 9 documents, takes 51 days and costs \$2570 (see the summary of procedures and documents at the end of this chapter for details).

Globally, Malawi stands at 164 in the ranking of 183 economies on the ease of trading across borders (figure 9.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing how easy it is for a business in Malawi to export and import goods.

Figure 9.1 How Malawi and comparator economies rank on the ease of trading across borders



Source: *Doing Business* database.

## TRADING ACROSS BORDERS

### What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to export or import in Malawi today, data over time show which aspects of the

process have changed—and which have not (table 9.1). That can help identify where the potential for improvement is greatest.

Table 9.1 The ease of trading across borders in Malawi over time  
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
Rank	..	..	..	..	..	163	164
Documents to export (number)	11	11	11	11	10	10	10
Time to export (days)	45	45	45	45	41	41	41
Cost to export (US\$ per container)	1,623	1,623	1,623	1,671	1,713	1,713	1,675
Documents to import (number)	9	9	9	9	9	9	9
Time to import (days)	54	54	54	54	51	51	51
Cost to import (US\$ per container)	2,500	2,500	2,500	2,550	2,570	2,570	2,570

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology.

Source: *Doing Business* database.

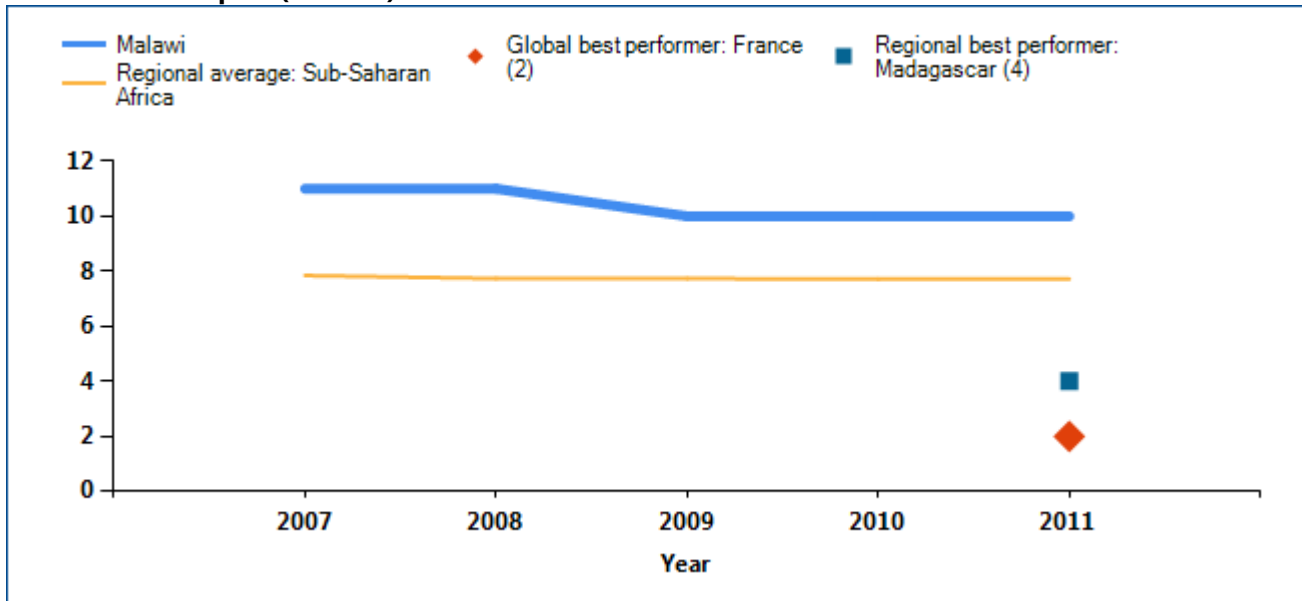
Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the documents, time or cost required to export or import (figure 9.2). These

economies may provide a model for Malawi on ways to improve the ease of trading across borders. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

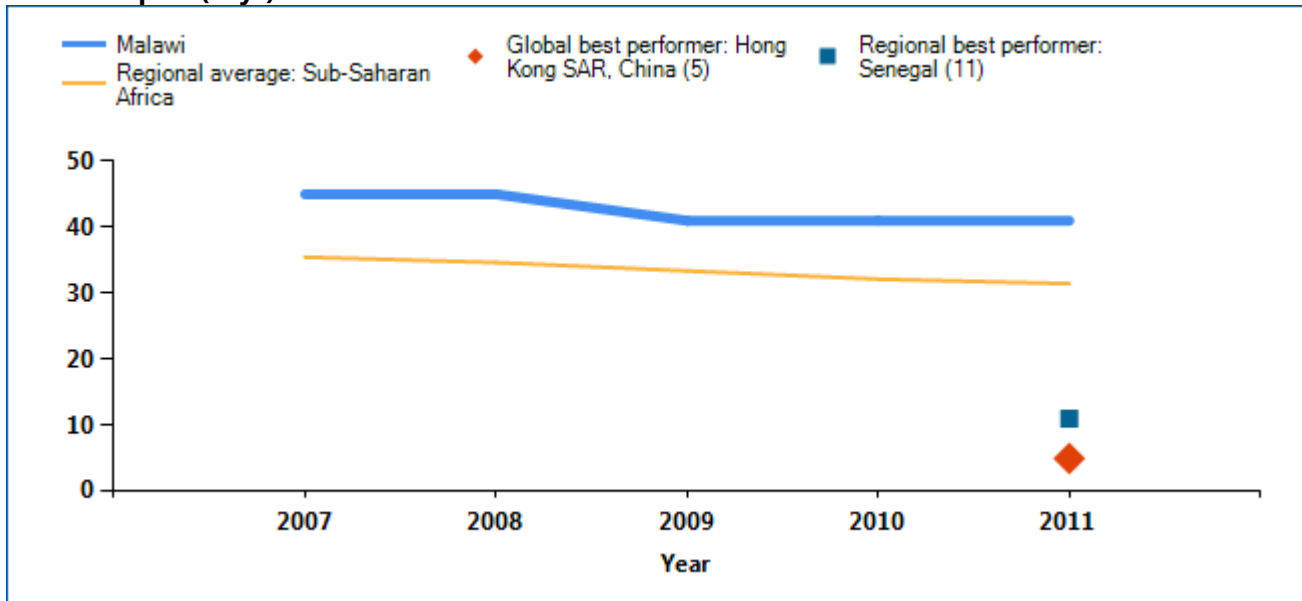
### TRADING ACROSS BORDERS

Figure 9.2 Has trading across borders become easier over time?

#### Documents to export (number)

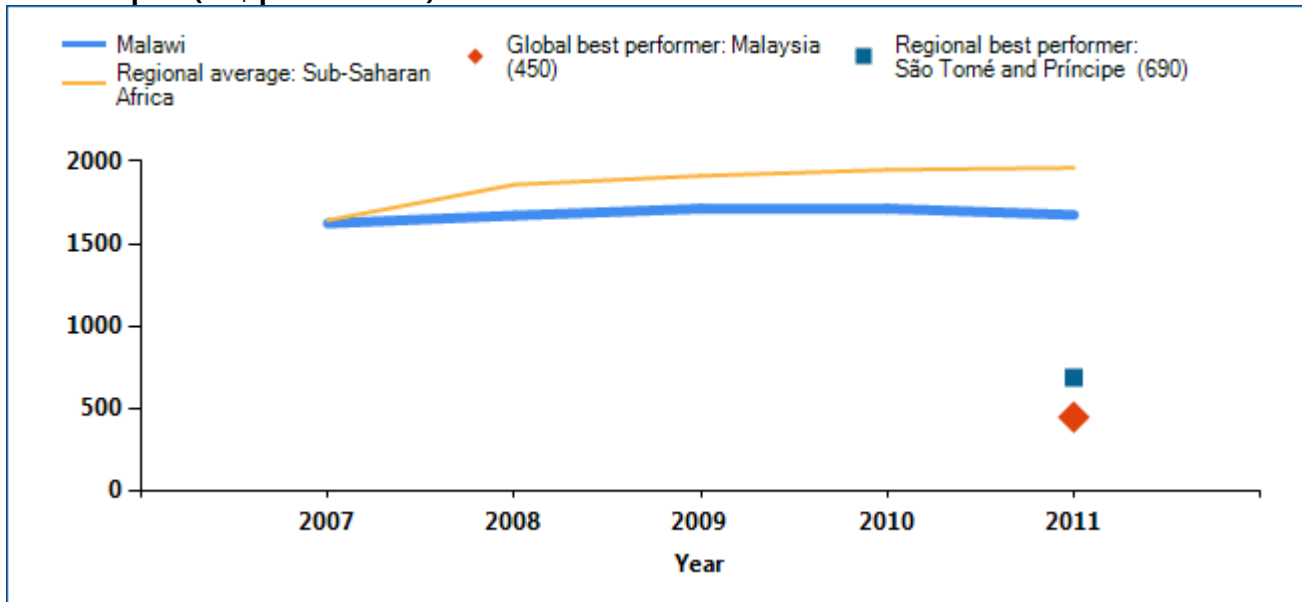


#### Time to export (days)

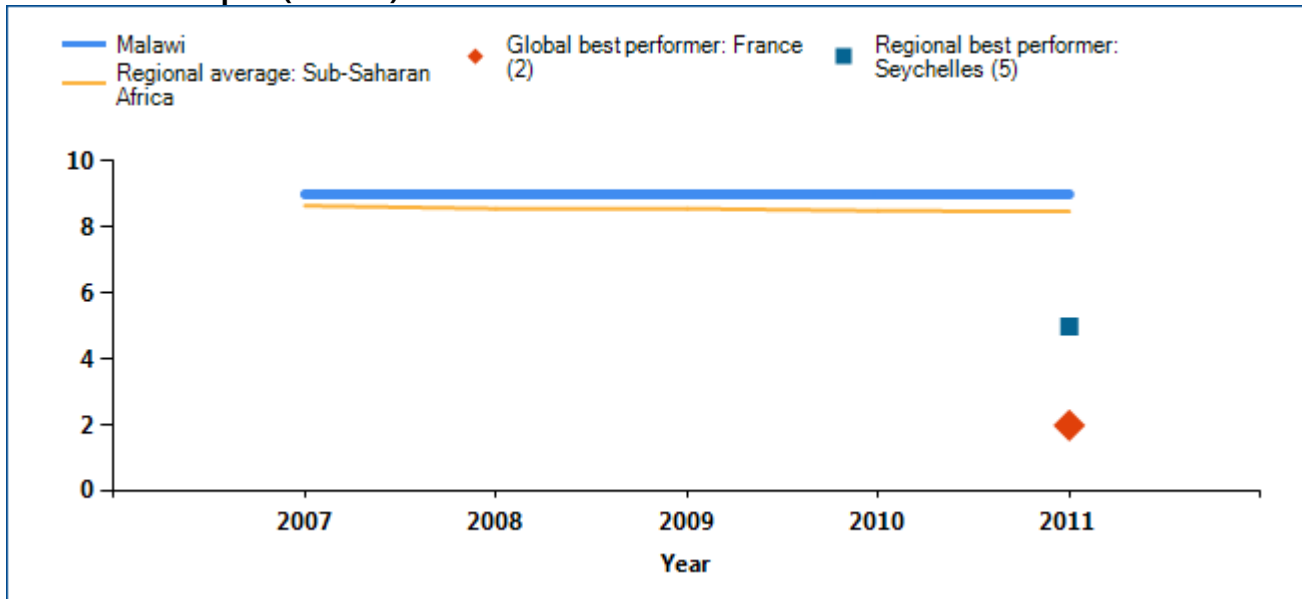


## TRADING ACROSS BORDERS

### Cost to export (US\$ per container)



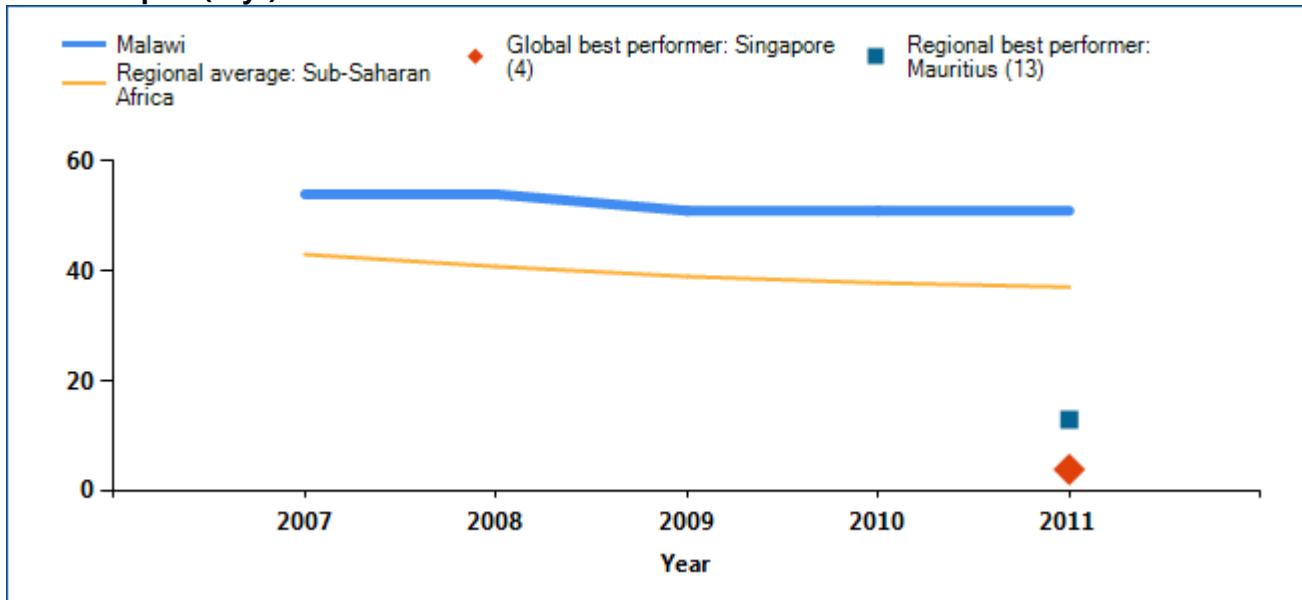
### Documents to import (number)



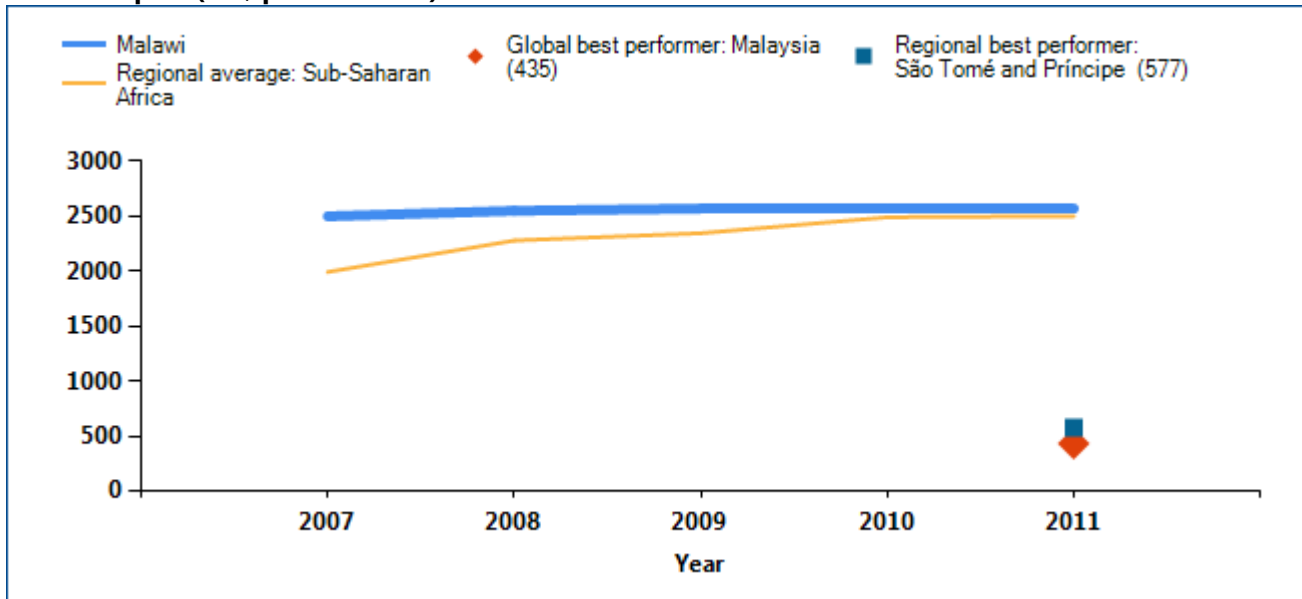


## TRADING ACROSS BORDERS

### Time to import (days)



### Cost to import (US\$ per container)



Note: The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator.

Source: Doing Business database.

## TRADING ACROSS BORDERS

In economies around the world, trading across borders as measured by *Doing Business* has become faster and easier over the years. Governments have introduced tools to facilitate trade—including single windows, risk-based inspections and electronic data interchange

systems. These changes help improve the trading environment and boost firms' international competitiveness. What trade reforms has *Doing Business* recorded in Malawi (table 9.2)?

Table 9.2 How has Malawi made trading across borders easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	No reform.
DB2011	No reform.
DB2010	Implementation of a risk-based inspection regime and a post-destination clearance program for preapproved traders has shortened the time for clearing goods.
DB2009	No reform.

*Note:* For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

*Source:* *Doing Business* database.

## TRADING ACROSS BORDERS

### What are the details?

The indicators reported here for Malawi are based on a set of specific procedural requirements for trading a standard shipment of goods by ocean transport (see the section in this chapter on what the indicators cover). Information on the procedures as well as the required documents and the time and cost to complete each procedure is collected from local

freight forwarders, shipping lines, customs brokers, port officials and banks. The procedural requirements, and the associated time and cost, for exporting and importing a standard shipment of goods are listed in the summary below, along with the required documents.

#### Summary of procedures and documents for trading across borders in Malawi

Indicator	Malawi	Sub-Saharan Africa	OECD high income
Documents to export (number)	10	8	4
Time to export (days)	41	31	10
Cost to export (US\$ per container)	1675	1,960	1,032
Documents to import (number)	9	8	5
Time to import (days)	51	37	11
Cost to import (US\$ per container)	2570	2,502	1,085

Procedures to export	Time (days)	Cost (US\$)
Documents preparation	25	285
Customs clearance and technical control	2	150
Ports and terminal handling	4	240
Inland transportation and handling	10	1000
Totals	41	1675

Procedures to import	Time (days)	Cost (US\$)
Documents preparation	25	280
Customs clearance and technical control	3	150
Ports and terminal handling	9	240
Inland transportation and handling	14	1900
Totals	51	2570

## TRADING ACROSS BORDERS

Documents to export
Currency declaration (CD1) form
Customs declaration for transit countries (transit document)
Commercial invoice
Certificate of origin
Cargo release order
Export license
Packing List
Terminal handling receipts
Bill of lading
Customs and Excise declaration (Form 12)

Documents to import
Customs declaration for Mozambique (transit document)
Certificate of origin
Commercial invoice
Customs and excise declaration (Form 12)
Packing list
Form 19 Customs document
Report order ('authority to proceed')
Bill of lading
Cargo release order

## ENFORCING CONTRACTS

Well-functioning courts help businesses expand their network and markets. Without effective contract enforcement, people might well do business only with family, friends and others with whom they have established relationships. Where contract enforcement is efficient, firms are more likely to engage with new borrowers or customers, and they have greater access to credit.

### What do the indicators cover?

*Doing Business* measures the efficiency of the judicial system in resolving a commercial dispute before local courts. Following the step-by-step evolution of a standardized case study, it collects data relating to the time, cost and procedural complexity of resolving a commercial lawsuit. The ranking on the ease of enforcing contracts is the simple average of the percentile rankings on its component indicators: procedures, time and cost.

The dispute in the case study involves the breach of a sales contract between 2 domestic businesses. The case study assumes that the court hears an expert on the quality of the goods in dispute. This distinguishes the case from simple debt enforcement. To make the data comparable across economies, *Doing Business* uses several assumptions about the case:

- The seller and buyer are located in the economy's largest business city.
- The buyer orders custom-made goods, then fails to pay.
- The seller sues the buyer before a competent court.
- The value of the claim is 200% of income per capita.
- The seller requests a pretrial attachment to secure the claim.

### WHAT THE ENFORCING CONTRACTS INDICATORS MEASURE

#### Procedures to enforce a contract through the courts (number)

Any interaction between the parties in a commercial dispute, or between them and the judge or court officer

Steps to file and serve the case

Steps for trial and judgment

Steps to enforce the judgment

#### Time required to complete procedures (calendar days)

Time to file and serve the case

Time for trial and obtaining judgment

Time to enforce the judgment

#### Cost required to complete procedures (% of claim)

No bribes

Average attorney fees

Court costs, including expert fees

Enforcement costs

- The dispute on the quality of the goods requires an expert opinion.
- The judge decides in favor of the seller; there is no appeal.
- The seller enforces the judgment through a public sale of the buyer's movable assets.

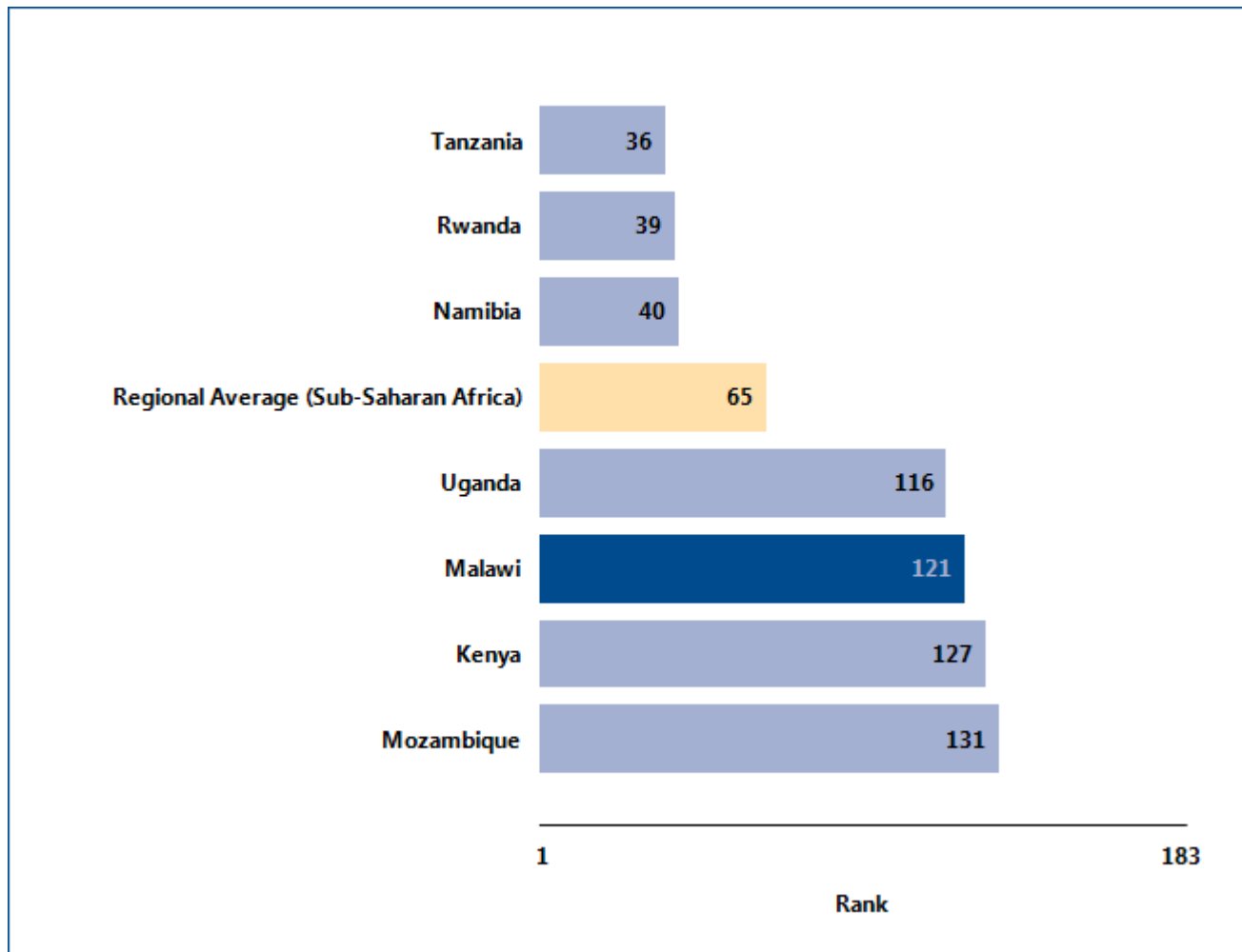
## ENFORCING CONTRACTS

### Where does the economy stand today?

How efficient is the process of resolving a commercial dispute through the courts in Malawi? According to data collected by *Doing Business*, enforcing a contract requires 42 procedures, takes 312 days and costs 94.1% of the value of the claim (see the summary at the end of this chapter for details).

Globally, Malawi stands at 121 in the ranking of 183 economies on the ease of enforcing contracts (figure 10.1). The rankings for comparator economies and the regional average ranking provide other useful benchmarks for assessing the efficiency of contract enforcement in Malawi.

Figure 10.1 How Malawi and comparator economies rank on the ease of enforcing contracts



Source: *Doing Business* database.

## ENFORCING CONTRACTS

### What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to enforce a contract in Malawi today, data on the underlying indicators over time help

identify which areas have changed and where the potential for improvement is greatest (table 10.1).

Table 10.1 The ease of enforcing contracts in Malawi over time  
By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
<b>Rank</b>	..	..	..	..	..	..	..	122	121
<b>Time (days)</b>	432	432	432	432	432	432	432	312	312
<b>Cost (% of claim)</b>	142.4	142.4	142.4	142.4	142.4	142.4	142.4	94.1	94.1
<b>Procedures (number)</b>	43	43	43	43	42	42	42	42	42

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology.

Source: *Doing Business* database.

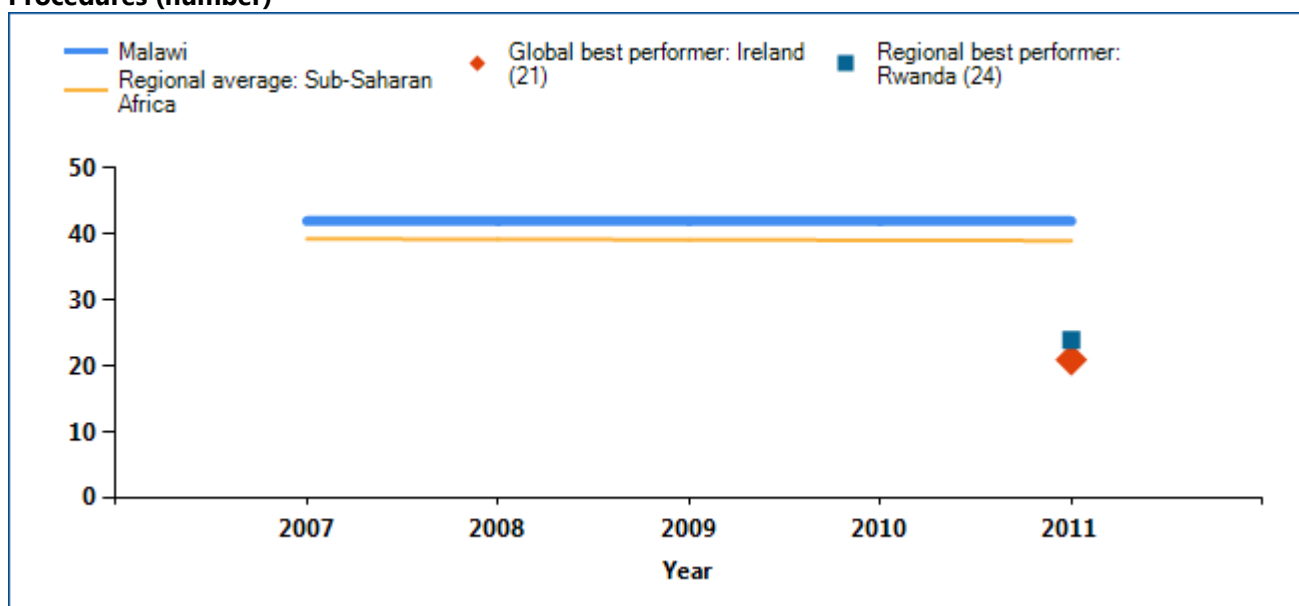
## ENFORCING CONTRACTS

Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the number of steps, time or cost required to enforce a contract through the courts (figure 10.2). These economies may provide a model

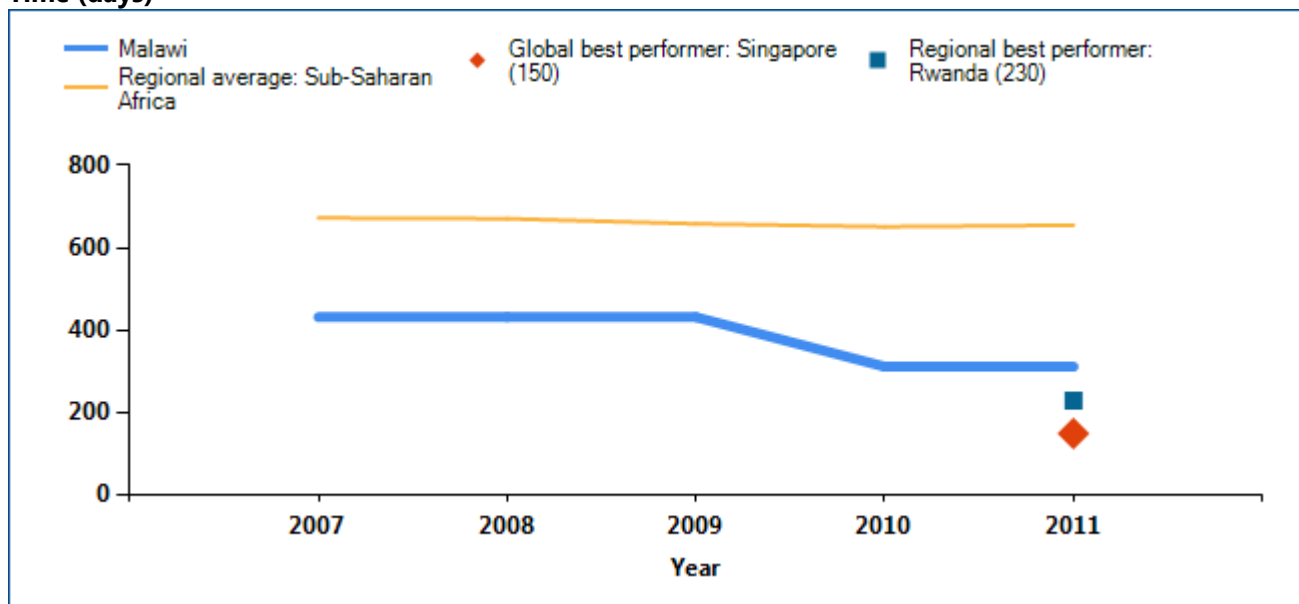
for Malawi on ways to improve the efficiency of contract enforcement. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

Figure 10.2 Has enforcing contracts become easier over time?

### Procedures (number)



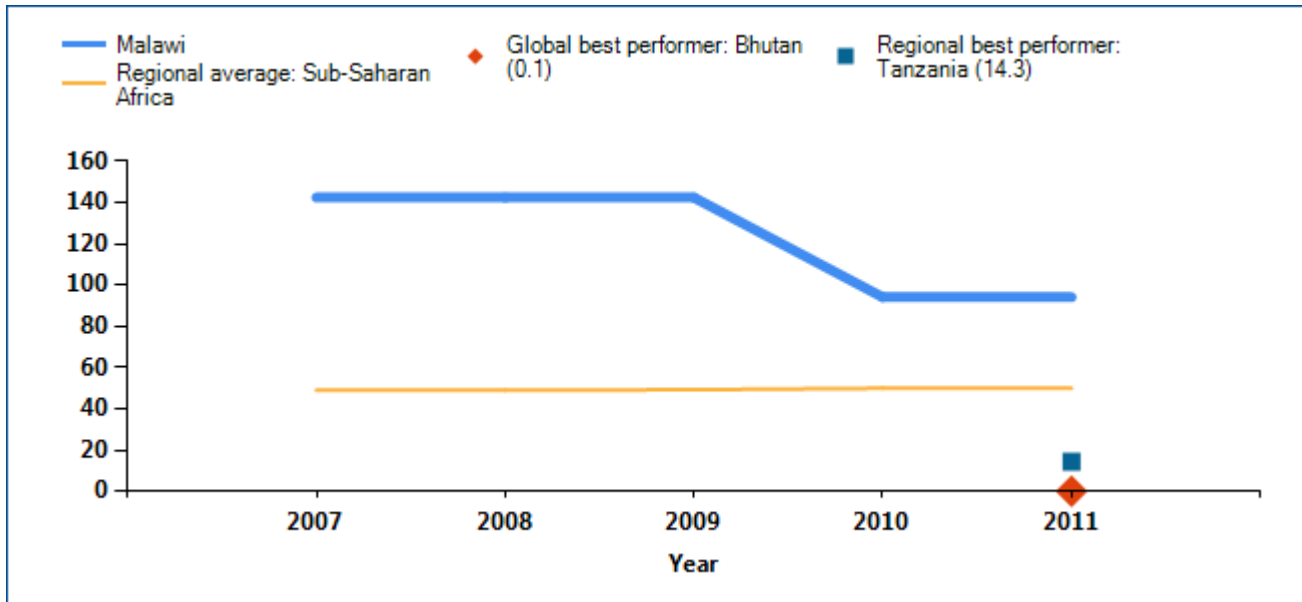
### Time (days)





## ENFORCING CONTRACTS

### Cost (% of claim)



Note: The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator.

Source: *Doing Business* database.

## ENFORCING CONTRACTS

Economies in all regions have improved contract enforcement in recent years. A judiciary can be improved in different ways. Higher-income economies tend to look for ways to enhance efficiency by introducing new technology. Lower-income economies

often work on reducing backlogs by introducing periodic reviews to clear inactive cases from the docket and by making procedures faster. What reforms making it easier (or more difficult) to enforce contracts has *Doing Business* recorded in Malawi (table 10.2)?

Table 10.2 How has Malawi made enforcing contracts easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	No reform.
DB2011	Malawi simplified the enforcement of contracts by raising the ceiling for commercial claims that can be brought to the magistrates court.
DB2010	No reform.
DB2009	No reform.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

## ENFORCING CONTRACTS

### What are the details?

The indicators reported here for Malawi are based on a set of specific procedural steps required to resolve a standardized commercial dispute through the courts (see the section in this chapter on what the indicators cover). These procedures, and the time and cost of completing them, are identified through study of the

codes of civil procedure and other court regulations, as well as through surveys completed by local litigation lawyers (and, in a quarter of the economies covered by *Doing Business*, by judges as well). The procedures for resolving a commercial lawsuit, and the associated time and cost, are listed in the summary below.

#### Summary of procedures for enforcing a contract in Malawi—and the time and cost

Indicator	Malawi	Sub-Saharan Africa	OECD high income
<b>Time (days)</b>	312	654.80	518.03
<b>Filing and service</b>	42		
<b>Trial and judgment</b>	150		
<b>Enforcement of judgment</b>	120		
<b>Cost (% of claim)</b>	94.1	49.96	19.71
<b>Attorney cost (% of claim)</b>	75		
<b>Court cost (% of claim)</b>	5.3		
<b>Enforcement Cost (% of claim)</b>	13.8		
<b>Procedures (number)</b>	42	39.02	31.42

Source: *Doing Business* database.

## RESOLVING INSOLVENCY

A robust bankruptcy system functions as a filter, ensuring the survival of economically efficient companies and reallocating the resources of inefficient ones. Fast and cheap insolvency proceedings result in the speedy return of businesses to normal operation and increase returns to creditors. By improving the expectations of creditors and debtors about the outcome of insolvency proceedings, well-functioning insolvency systems can facilitate access to finance, save more viable businesses and thereby improve growth and sustainability in the economy overall.

### What do the indicators cover?

*Doing Business* studies the time, cost and outcome of insolvency proceedings involving domestic entities. It does not measure insolvency proceedings of individuals and financial institutions. The data are derived from survey responses by local insolvency practitioners and verified through a study of laws and regulations as well as public information on bankruptcy systems.

The ranking on the ease of resolving insolvency is based on the recovery rate, which is recorded as cents on the dollar recouped by creditors through reorganization, liquidation or debt enforcement (foreclosure) proceedings. The recovery rate is a function of time, cost and other factors, such as lending rate and the likelihood of the company continuing to operate.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the case. It assumes that the company:

- Is a domestically owned, limited liability company operating a hotel.
- Operates in the economy's largest business city.

### WHAT THE RESOLVING INSOLVENCY INDICATORS MEASURE

#### Time required to recover debt (years)

Measured in calendar years

Appeals and requests for extension are included

#### Cost required to recover debt (% of debtor's estate)

Measured as percentage of estate value

Court fees

Fees of insolvency administrators

Lawyers' fees

Assessors' and auctioneers' fees

Other related fees

#### Recovery rate for creditors (cents on the dollar)

Measures the cents on the dollar recovered by creditors

Present value of debt recovered

Official costs of the insolvency proceedings are deducted

Depreciation of furniture is taken into account

Outcome for the business (survival or not) affects the maximum value that can be recovered

- Has 201 employees, 1 main secured creditor and 50 unsecured creditors.
- Has a higher value as a going concern—and the efficient outcome is either reorganization or sale as a going concern, not piecemeal liquidation.

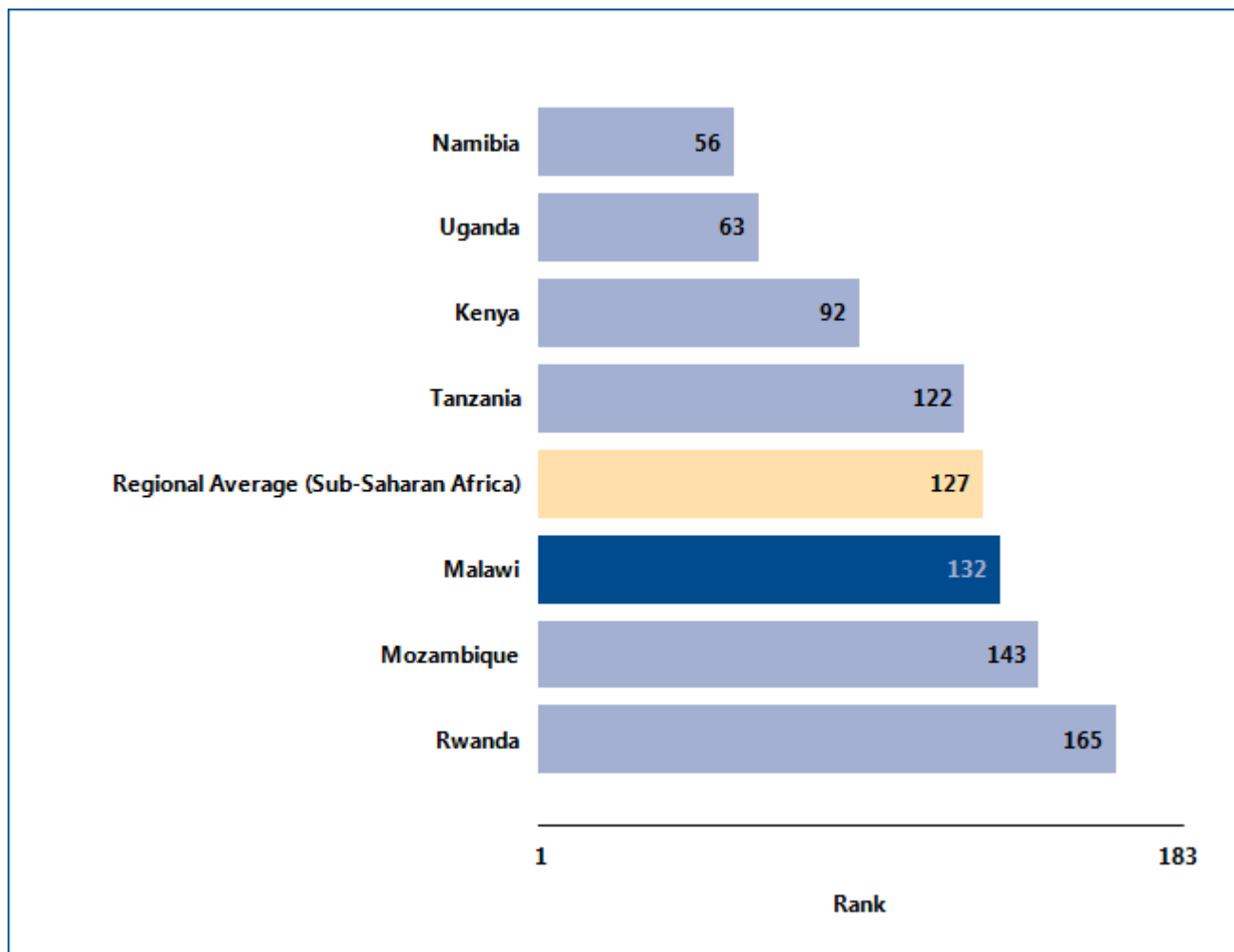
## RESOLVING INSOLVENCY

### Where does the economy stand today?

Speed, low costs and continuation of viable businesses characterize the top-performing economies. How efficient are insolvency proceedings in Malawi? According to data collected by *Doing Business*, resolving insolvency takes 2.6 years on average and costs 25% of the debtor's estate. The average recovery rate is 18.5 cents on the dollar.

Globally, Malawi stands at 132 in the ranking of 183 economies on the ease of resolving insolvency (figure 11.1). The rankings for comparator economies and the regional average ranking provide other useful benchmarks for assessing the efficiency of insolvency proceedings in Malawi.

Figure 11.1 How Malawi and comparator economies rank on the ease of resolving insolvency



Source: *Doing Business* database.

## RESOLVING INSOLVENCY

### What are the changes over time?

While the most recent *Doing Business* data reflect the efficiency of insolvency proceedings in Malawi today, data over time show where the efficiency has changed—and where it has not (table 11.1). That can help identify where the potential for improvement is greatest.

Table 11.1 The ease of resolving insolvency in Malawi over time  
By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012
<b>Rank</b>	..	..	..	..	..	..	..	131	132
<b>Time (years)</b>	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6
<b>Cost (% of estate)</b>	30	30	30	30	30	30	25	25	25
<b>Recovery rate (cents on the dollar)</b>	10.1	9.9	12.3	13.2	13.2	15.1	17.5	17.9	18.5

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings reflect changes to the methodology. "No practice" indicates that in each of the previous 5 years the economy had no cases involving a judicial reorganization, judicial liquidation or debt enforcement procedure (foreclosure). This means that creditors are unlikely to recover their money through a formal legal process (in or out of court). The recovery rate for "no practice" economies is 0.

Source: *Doing Business* database.

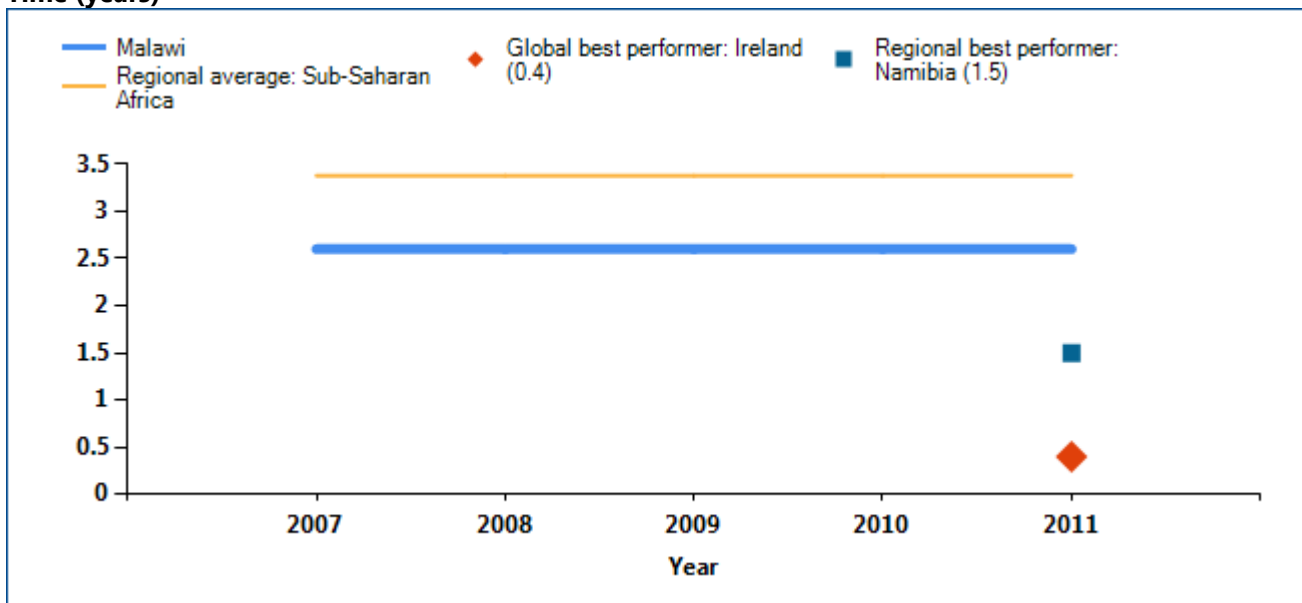
## RESOLVING INSOLVENCY

Equally helpful may be the benchmarks provided by the economies that today have the best performance regionally or globally on the time or cost of insolvency proceedings or on the recovery rate (figure 11.2). These economies may provide a model for Malawi on

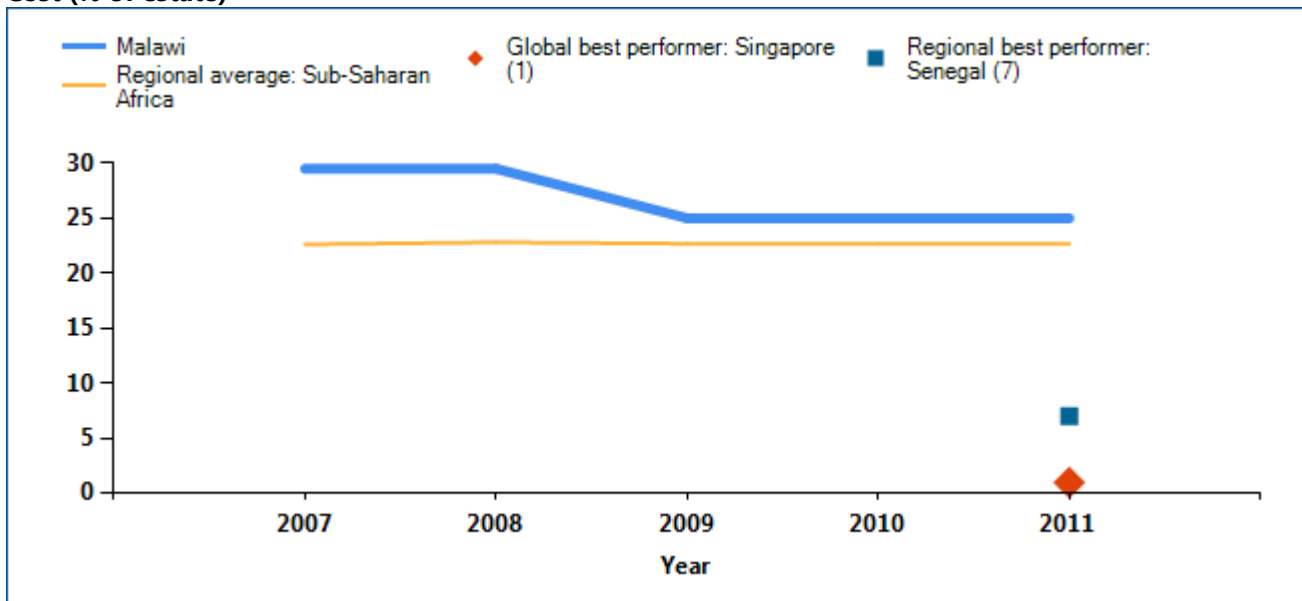
ways to improve the efficiency of insolvency proceedings. And changes in regional averages can show where Malawi is keeping up—and where it is falling behind.

Figure 11.2 Has resolving insolvency become easier over time?

### Time (years)

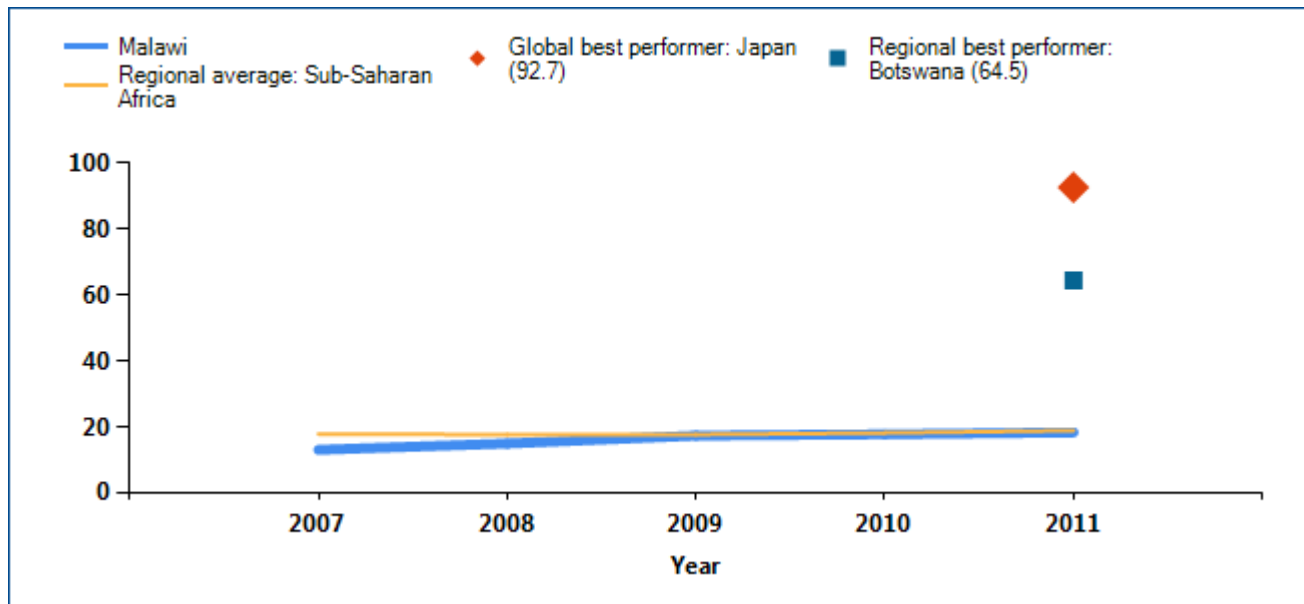


### Cost (% of estate)



## RESOLVING INSOLVENCY

### Recovery rate (cents on the dollar)



*Note:* The economy with the best performance regionally on each indicator, and the economy with the best performance globally, are included as benchmarks. In some cases 2 or more economies share the top regional or global ranking on an indicator. In cases where no data are displayed above for the economy, this indicates that the economy has received a “no practice” mark; see the data notes for details.

*Source:* *Doing Business* database.



## RESOLVING INSOLVENCY

A well-balanced bankruptcy system distinguishes companies that are financially distressed but economically viable from inefficient companies that should be liquidated. But in some insolvency systems even viable businesses are liquidated. This is starting to

change. Many recent reforms of bankruptcy laws have been aimed at helping more of the viable businesses survive. What insolvency reforms has *Doing Business* recorded in Malawi (table 11.2)?

Table 11.2 How has Malawi made resolving insolvency easier—or not?  
By *Doing Business* report year

DB Year	Reform
DB2012	Malawi adopted new rules providing clear procedural requirements and time frames for winding up a company.
DB2011	No reform.
DB2010	A law was introduced limiting liquidator fees during insolvency procedures.
DB2009	No reform.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

## DATA NOTES

The indicators presented and analyzed in *Doing Business* measure business regulation and the protection of property rights—and their effect on businesses, especially small and medium-size domestic firms. First, the indicators document the complexity of regulation, such as the number of procedures to start a business or to register and transfer commercial property. Second, they gauge the time and cost of achieving a regulatory goal or complying with regulation, such as the time and cost to enforce a contract, go through bankruptcy or trade across borders. Third, they measure the extent of legal protections of property, for example, the protections of investors against looting by company directors or the range of assets that can be used as collateral according to secured transactions laws. Fourth, a set of indicators documents the tax burden on businesses. Finally, a set of data covers different aspects of employment regulation.

The data for all sets of indicators in *Doing Business 2012* are for June 2011.<sup>3</sup>

### Methodology

The *Doing Business* data are collected in a standardized way. To start, the *Doing Business* team, with academic advisers, designs a questionnaire. The questionnaire uses a simple business case to ensure comparability across economies and over time—with assumptions about the legal form of the business, its size, its location and the nature of its operations. Questionnaires are administered through more than 9,028 local experts, including lawyers, business consultants, accountants, freight forwarders, government officials and other professionals routinely administering or advising on legal and regulatory requirements. These experts have several rounds of interaction with the *Doing Business* team, involving conference calls, written correspondence and visits by the team. For *Doing Business 2012* team members visited 40 economies to verify data and recruit respondents. The data from questionnaires are subjected to numerous rounds of verification, leading to revisions or expansions of the information collected.

<sup>3</sup> The data for paying taxes refer to January – December 2010.

## ECONOMY CHARACTERISTICS

### Gross national income (GNI) per capita

*Doing Business 2012* reports 2010 income per capita as published in the World Bank's *World Development Indicators 2011*. Income is calculated using the Atlas method (current US\$). For cost indicators expressed as a percentage of income per capita, 2010 GNI in U.S. dollars is used as the denominator. Data were not available from the World Bank for Afghanistan; Australia; The Bahamas; Bahrain; Brunei Darussalam; Canada; Cyprus; Djibouti; the Islamic Republic of Iran; Kuwait; New Zealand; Oman; Puerto Rico (territory of the United States); Qatar; Saudi Arabia; Suriname; Taiwan, China; the United Arab Emirates; West Bank and Gaza; and the Republic of Yemen. In these cases GDP or GNP per capita data and growth rates from the International Monetary Fund's World Economic Outlook database and the Economist Intelligence Unit were used.

### Region and income group

*Doing Business* uses the World Bank regional and income group classifications, available at <http://www.worldbank.org/data/countryclass>. The World Bank does not assign regional classifications to high-income economies. For the purpose of the *Doing Business* report, high-income OECD economies are assigned the "regional" classification *OECD high income*. Figures and tables presenting regional averages include economies from all income groups (low, lower middle, upper middle and high income).

### Population

*Doing Business 2012* reports midyear 2010 population statistics as published in *World Development Indicators 2011*.

The *Doing Business* methodology offers several advantages. It is transparent, using factual information about what laws and regulations say and allowing multiple interactions with local respondents to clarify potential misinterpretations of questions. Having representative samples of respondents is not an issue;

*Doing Business* is not a statistical survey, and the texts of the relevant laws and regulations are collected and answers checked for accuracy. The methodology is inexpensive and easily replicable, so data can be collected in a large sample of economies. Because standard assumptions are used in the data collection, comparisons and benchmarks are valid across economies. Finally, the data not only highlight the extent of specific regulatory obstacles to business but also identify their source and point to what might be reformed.

Information on the methodology for each *Doing Business* topic can be found on the *Doing Business* website at <http://www.doingbusiness.org/methodology/>.

## Limits to what is measured

The *Doing Business* methodology has 5 limitations that should be considered when interpreting the data. First, the collected data refer to businesses in the economy's largest business city and may not be representative of regulation in other parts of the economy. To address this limitation, subnational *Doing Business* indicators were created (see the section on subnational *Doing Business* indicators). Second, the data often focus on a specific business form—generally a limited liability company (or its legal equivalent) of a specified size—and may not be representative of the regulation on other businesses, for example, sole proprietorships. Third, transactions described in a standardized case scenario refer to a specific set of issues and may not represent the full set of issues a business encounters. Fourth, the measures of time involve an element of judgment by the expert respondents. When sources indicate different estimates, the time indicators reported in *Doing Business* represent the median values of several responses given under the assumptions of the standardized case.

Finally, the methodology assumes that a business has full information on what is required and does not waste time when completing procedures. In practice, completing a procedure may take longer if the business lacks information or is unable to follow up promptly. Alternatively, the business may choose to disregard some burdensome procedures. For both reasons the time delays reported in *Doing Business 2012* would differ from the recollection of

entrepreneurs reported in the World Bank Enterprise Surveys or other perception surveys.

## Subnational *Doing Business* indicators

This year *Doing Business* published a subnational study for the Philippines and a regional report for Southeast Europe covering 7 economies (Albania, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, Moldova, Montenegro and Serbia) and 22 cities. It also published a city profile for Juba, in the Republic of South Sudan.

The subnational studies point to differences in business regulation and its implementation—as well as in the pace of regulatory reform—across cities in the same economy. For several economies subnational studies are now periodically updated to measure change over time or to expand geographic coverage to additional cities. This year that is the case for the subnational studies in the Philippines; the regional report in Southeast Europe; the ongoing studies in Italy, Kenya and the United Arab Emirates; and the projects implemented jointly with local think tanks in Indonesia, Mexico and the Russian Federation.

Besides the subnational *Doing Business* indicators, *Doing Business* conducted a pilot study this year on the second largest city in 3 large economies to assess within-country variations. The study collected data for Rio de Janeiro in addition to São Paulo in Brazil, for Beijing in addition to Shanghai in China and for St. Petersburg in addition to Moscow in Russia.

## Changes in what is measured

The methodology for 3 of the *Doing Business* topics was updated this year—getting credit, dealing with construction permits and paying taxes.

First, for getting credit, the scoring of one of the 10 components of the strength of legal rights index was amended to recognize additional protections of secured creditors and borrowers. Previously the highest score of 1 was assigned if secured creditors were not subject to an automatic stay or moratorium on enforcement procedures when a debtor entered a court-supervised reorganization procedure. Now the highest score of 1 is also assigned if the law provides secured creditors with grounds for relief from an

automatic stay or moratorium (for example, if the movable property is in danger) or sets a time limit for the automatic stay.

Second, because the ease of doing business index now includes the getting electricity indicators, procedures, time and cost related to obtaining an electricity connection were removed from the dealing with construction permits indicators.

Third, a threshold has been introduced for the total tax rate for the purpose of calculating the ranking on the ease of paying taxes. All economies with a total tax rate below the threshold (which will be calculated and adjusted on a yearly basis) will now receive the same ranking on the total tax rate indicator. The threshold is not based on any underlying theory. Instead, it is meant to emphasize the purpose of the indicator: to highlight economies where the tax burden on business is high relative to the tax burden in other economies. Giving the same ranking to all economies whose total tax rate is below the threshold avoids awarding economies in the scoring for having an unusually low total tax rate, often for reasons unrelated to government policies toward enterprises. For example, economies that are very small or that are rich in natural resources do not need to levy broad-based taxes.

## Data challenges and revisions

Most laws and regulations underlying the *Doing Business* data are available on the *Doing Business* website at <http://www.doingbusiness.org>. All the sample questionnaires and the details underlying the indicators are also published on the website. Questions on the methodology and challenges to data can be submitted through the website's "Ask a Question" function at <http://www.doingbusiness.org>.

## Ease of doing business and distance to frontier

This year's report presents results for 2 aggregate measures: the aggregate ranking on the ease of doing business and a new measure, the "distance to frontier." While the ease of doing business ranking compares economies with one another at a point in time, the distance to frontier measure shows how much the

regulatory environment for local entrepreneurs in each economy has changed over time.

### Ease of doing business

The ease of doing business index ranks economies from 1 to 183. For each economy the ranking is calculated as the simple average of the percentile rankings on each of the 10 topics included in the index in *Doing Business 2012*: starting a business, dealing with construction permits, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts, resolving insolvency and, new this year, getting electricity. The employing workers indicators are not included in this year's aggregate ease of doing business ranking. In addition to this year's ranking, *Doing Business* presents a comparable ranking for the previous year, adjusted for any changes in methodology as well as additions of economies or topics.<sup>4</sup>

### Construction of the ease of doing business index

Here is one example of how the ease of doing business index is constructed. In the Republic of Korea it takes 5 procedures, 7 days and 14.6% of annual income per capita in fees to open a business. There is no minimum capital required. On these 4 indicators Korea ranks in the 18<sup>th</sup>, 14<sup>th</sup>, 53<sup>rd</sup> and 0 percentiles. So on average Korea ranks in the 21<sup>st</sup> percentile on the ease of starting a business. It ranks in the 12<sup>th</sup> percentile on getting credit, 25<sup>th</sup> percentile on paying taxes, 8<sup>th</sup> percentile on enforcing contracts, 7<sup>th</sup> percentile on resolving insolvency and so on. Higher rankings indicate simpler regulation and stronger protection of property rights. The simple average of Korea's percentile rankings on all topics is 21<sup>st</sup>. When all economies are ordered by their average percentile rankings, Korea stands at 8 in the aggregate ranking on the ease of doing business.

More complex aggregation methods—such as principal components and unobserved components—

<sup>4</sup> In case of revisions to the methodology or corrections to the underlying data, the data are back-calculated to provide a comparable time series since the year the relevant economy or topic was first included in the data set. The time series is available on the *Doing Business* website (<http://www.doingbusiness.org>). The *Doing Business* report publishes yearly rankings for the year of publication as well as the previous year to shed light on year-to-year developments. Six topics and more than 50 economies have been added since the inception of the project. Earlier rankings on the ease of doing business are therefore not comparable.

yield a ranking nearly identical to the simple average used by *Doing Business*.<sup>5</sup> Thus, *Doing Business* uses the simplest method: weighting all topics equally and, within each topic, giving equal weight to each of the topic components.<sup>6</sup>

If an economy has no laws or regulations covering a specific area—for example, insolvency—it receives a “no practice” mark. Similarly, an economy receives a “no practice” or “not possible” mark if regulation exists but is never used in practice or if a competing regulation prohibits such practice. Either way, a “no practice” mark puts the economy at the bottom of the ranking on the relevant indicator.

The ease of doing business index is limited in scope. It does not account for an economy’s proximity to large markets, the quality of its infrastructure services (other than services related to trading across borders and getting electricity), the strength of its financial system, the security of property from theft and looting, its macroeconomic conditions or the strength of underlying institutions.

#### *Variability of economies’ rankings across topics*

Each indicator set measures a different aspect of the business regulatory environment. The rankings of an economy can vary, sometimes significantly, across indicator sets. The average correlation coefficient between the 10 indicator sets included in the aggregate ranking is 0.36, and the coefficients between any 2 sets of indicators range from 0.17 (between protecting investors and getting electricity) to 0.57 (between starting a business and protecting investors). These correlations suggest that economies rarely score universally well or universally badly on the indicators.

<sup>5</sup> See Simeon Djankov, Darshini Manraj, Caralee McLiesh and Rita Ramalho, “*Doing Business* Indicators: Why Aggregate, and How to Do It” (World Bank, Washington, DC, 2005). Principal components and unobserved components methods yield a ranking nearly identical to that from the simple average method because both these methods assign roughly equal weights to the topics, since the pairwise correlations among indicators do not differ much. An alternative to the simple average method is to give different weights to the topics, depending on which are considered of more or less importance in the context of a specific economy.

<sup>6</sup> A technical note on the different aggregation and weighting methods is available on the *Doing Business* website (<http://www.doingbusiness.org>).

Consider the example of Canada. It stands at 12 in the aggregate ranking on the ease of doing business. Its ranking is 3 on both starting a business and resolving insolvency, and 5 on protecting investors. But its ranking is only 59 on enforcing contracts, 42 on trading across borders and 156 on getting electricity.

Variation in performance across the indicator sets is not at all unusual. It reflects differences in the degree of priority that government authorities give to particular areas of business regulation reform and the ability of different government agencies to deliver tangible results in their area of responsibility.

#### *Economies that improved the most across 3 or more Doing Business topics in 2010/11*

*Doing Business 2012* uses a simple method to calculate which economies improved the most in the ease of doing business. First, it selects the economies that in 2010/11 implemented regulatory reforms making it easier to do business in 3 or more of the 10 topics included in this year’s ease of doing business ranking.<sup>7</sup> Thirty economies meet this criterion: Armenia, Burkina Faso, Burundi, Cape Verde, the Central African Republic, Chile, Colombia, the Democratic Republic of Congo, Côte d’Ivoire, The Gambia, Georgia, Korea, Latvia, Liberia, FYR Macedonia, Mexico, Moldova, Montenegro, Morocco, Nicaragua, Oman, Peru, Russia, São Tomé and Príncipe, Senegal, Sierra Leone, Slovenia, the Solomon Islands, South Africa and Ukraine. Second, *Doing Business* ranks these economies on the increase in their ranking on the ease of doing business from the previous year using comparable rankings.

Selecting the economies that implemented regulatory reforms in at least 3 topics and improved the most in the aggregate ranking is intended to highlight economies with ongoing, broad-based reform programs.

#### **Distance to frontier measure**

This year’s report introduces a new measure to illustrate how the regulatory environment for local businesses in each economy has changed over time. The distance to frontier measure illustrates the distance of an economy to the “frontier” and shows

<sup>7</sup> *Doing Business* reforms making it more difficult to do business are subtracted from the total number of those making it easier to do business.

the extent to which the economy has closed this gap over time. The frontier is a score derived from the most efficient practice or highest score achieved on each of the component indicators in 9 *Doing Business* indicator sets (excluding the employing workers and getting electricity indicators) by any economy since 2005. In starting a business, for example, New Zealand has achieved the highest performance on the time (1 day), Canada and New Zealand on the number of procedures required (1), Denmark and Slovenia on the cost (0% of income per capita) and Australia on the paid-in minimum capital requirement (0% of income per capita).

Calculating the distance to frontier for each economy involves 2 main steps. First, individual indicator scores are normalized to a common unit. To do so, each of the 32 component indicators  $y$  is rescaled to  $(y - \min)/(max - \min)$ , with the minimum value (min) representing the frontier—the highest performance on that indicator across all economies since 2005. Second, for each economy the scores obtained for individual indicators are aggregated through simple averaging into one distance to frontier score. An economy's distance to the frontier is indicated on a scale from 0 to 100, where 0 represents the frontier and 100 the lowest performance.

The difference between an economy's distance to frontier score in 2005 and its score in 2011 illustrates the extent to which the economy has closed the gap to the frontier over time.

The maximum (max) and minimum (min) observed values are computed for the 174 economies included in the *Doing Business* sample since 2005 and for all years (from 2005 to 2011). The year 2005 was chosen as the baseline for the economy sample because it was the first year in which data were available for the majority of economies (a total of 174) and for all 9 indicator sets included in the measure. To mitigate the effects of extreme outliers in the distributions of the rescaled data (very few economies need 694 days to complete the procedures to start a business, but many need 9 days), the maximum (max) is defined as the 95<sup>th</sup> percentile of the pooled data for all economies and all years for each indicator.

Take Colombia, which has a score of 0.21 on the distance to frontier measure for 2011. This score indicates that the economy is 21 percentage points away from the frontier constructed from the best performances across all economies and all years. Colombia was further from the frontier in 2005, with a score of 0.43. The difference between the scores shows an improvement over time.



## RESOURCES ON THE *DOING BUSINESS* WEBSITE

### **Current features**

News on the *Doing Business* project

<http://www.doingbusiness.org>

### **Rankings**

How economies rank—from 1 to 183

<http://www.doingbusiness.org/rankings/>

### **Reports**

Access to *Doing Business* reports as well as subnational and regional reports, reform case studies and customized economy and regional profiles

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### **Methodology**

The methodologies and research papers underlying *Doing Business*

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Abstracts of papers on *Doing Business* topics and related policy issues

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### ***Doing Business* reforms**

Short summaries of DB2012 business regulation reforms, lists of reforms since DB2008 and a ranking simulation tool

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### **Historical data**

Customized data sets since DB2004

<http://www.doingbusiness.org/custom-query/>

### **Law library**

Online collection of business laws and regulations relating to business and gender issues

<http://www.doingbusiness.org/law-library/>

<http://wbl.worldbank.org/>

### **Contributors**

More than 9,000 specialists in 183 economies who participate in *Doing Business*

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