
MINISTRY OF COMMERCE AND INDUSTRY



ADMINISTRATIVE REGULATION

WHEAT FLOUR FORTIFICATION

ADMINISTRATIVE NOTICE MCI/NO.011/07/2017

JULY 19, 2017

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ADMINISTRATIVE NOTICE MCI/NO.011/07/2017**ADMINISTRATIVE REGULATION ON WHEAT FLOUR FORTIFICATION****1.0 GENERAL RULE**

WHEREAS, Part II, Executive Branch Generally; Chapter 10, General Provisions; Section 10.5 of Title 12 Liberia Code of Laws Revised (Executive Law); grants authority to the head of each ministry or independent agency in the Executive Branch, subject to the approval of the President, the power to prescribe regulations not inconsistent with the law of the operation of the ministry or agency, and the accomplishment of its lawful functions;

WHEREAS, Chapter 29, Section 29.2(a) of the Executive Law grants the Minister of Commerce and Industry the power to establish trade and commodity standards;

2.0 PURPOSE

The purpose of this Regulation is to regulate the importation and local production of wheat flour by ensuring that all wheat flour imported and locally produced in the commerce of Liberia is fortified with the essential vitamins, minerals and nutrients mentioned in **TABLE 1: WHEAT FLOUR FORTIFICANTS**.

3.0 DEFINITIONS

As used in this Regulation, the following terms shall be given the meanings described below:

“Additive” means any substance or mixture of substances intentionally added to Food for the purpose of preventing deterioration, affecting aroma, color, or flavor, or modifying or preserving the general physical condition of a Food. The addition of essential nutrients to Foods shall not be considered additives.

“Authorized Officer” means an officer appointed by the Ministry of Commerce and Industry (hereafter “MoCI”) or otherwise authorized by the MoCI to carry out duties under the provisions of this Regulation.

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“Certificate of Analysis” refers to an authenticated document that is issued by and International Standards Organization (ISO) certified laboratory that sets forth the Ingredients contained in a particular sample(s) of wheat flour that is imported into Liberia.

“Distribute” with respect to Food means to exchange, transmit, convey, consign, supply, deliver, trade, sell, or dispose of, whether or not for remuneration or other consideration.

“Drug” means any substance or mixture of substances, other than Food, manufactured, sold, or advertised for use in humans or animals in the diagnosis, treatment, mitigation, or prevention of any disease, disorder, or physical or mental impairment, or the signs or symptoms thereof.

“Essential Nutrient” means any substance, normally ingested, that is necessary for growth, development, and maintenance of health and which is not produced in adequate amounts by the body, such as vitamins, minerals, proteins, essential amino or fatty acids, or other nutritional substances.

“Export” with respect to Food means to send from Liberia to another country for distribution in another country.

“Food” means any substance or mixture of substances intended in whole or in part for human or animal consumption, including beverages and, for purposes of this Regulation, wheat flour, but excluding Drugs. All Ingredients of such substances, including those used in their manufacture and processing, shall be considered Food subject to the provisions of this Regulation.

“Fortified Food” means any Food to which one or more Essential Nutrients have been added in order to increase the nutritive value of the Food, and which are absent from the Food in its original state or which are lost during normal manufacturing, storage, or handling. Fortified or enriched foods shall not be considered to be Drugs.

“Import” with respect to Food means to bring into Liberia from another country for Sale or Distribution in Liberia or another country.

“Ingredient” means any component or substance, including an Additive, Essential nutrient or fortifying agent, used in the manufacture of wheat flour and present in its final product.

“Monitoring” means the observation and recording of the fortification program for wheat flour, and of manufacturers and importers of wheat flour.

“Non-compliance” refers to inconsistencies in standard levels that do not meet the mandatory standard levels of fortified wheat flour prescribed in this Regulation.

“Person” means any individual, licensee, business, corporation, firm, partnership, proprietorship, organization, agency, association, or other entity.

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“Premises” means any building, stall, tent, cart, or any other structure, whether fixed, temporary, or mobile, together with the land on which it is situated and any adjoining land used in connection with it, and includes any vehicle, vessel, or aircraft.

“Quality Control” refers to a system of maintaining standards in wheat flour by testing a sample of wheat flour against its prescribed specifications and standards.

“Regulatory Requirements” means the provisions of all applicable laws, regulations, decrees, and other government enactments, including this Regulation relating to food quality and safety, nutrition, hygiene, packaging, labeling, storage, transportation, or sale of wheat flour and any other aspect of Food regulation or control pertaining to wheat flour.

“Sell” with respect to Food means to offer, prepare for sale, trade, or exchange, transmit, convey, consign, supply, deliver, distribute, or dispose of for human or animal consumption for any consideration.

All words and terms not defined herein shall be given their plain and customary meaning and shall be interpreted in accordance with the context in which they appear.

4.0 APPLICATION

The provisions of this Regulation shall apply to wheat flour imported, manufactured, packaged, labeled, stored, transported, displayed for sale or distribution, distributed, or sold in Liberia, or exported from Liberia

5.0 FORTIFICATION STANDARDS

All wheat flour imported into or manufactured in Liberia must be a Fortified Food which shall at a minimum be fortified with the following minerals, vitamins and nutrients:

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STANDARD LEVELS OF FORTIFIED WHEAT FLOUR

TABLE 1: WHEAT FLOUR FORTIFICANTS

NUTRIENT	Fortificant Compound	Level of addition	Tolerable analytical range at borders and factories		Border or production average	Claim level at the market	Market range	House hold range
			Min	max				
Thiamine (B1)	Thiamin mononitrate	8.5mg/kg	5.1 mg/kg	13.3 mg/kg	9.2 mg/kg	8.5 mg/kg	4.8-13.3 mg/kg	4.3-13.3 mg/kg
Riboflavin (B2)	Riboflavin	5mg/kg	3.1 mg/kg	8.1 mg/kg	5.6 mg/kg	5 mg/kg	3.0-8.1 mg/kg	2.8-8.1 mg/kg
Niacin (B3)	Niacin amide	59mg/kg	38.1 mg/kg	99.9 mg/kg	69 mg/kg	59 mg/kg	35-99.9 mg/kg	34.3-99.9 mg/kg
Iron	Ferrous fumarate	60mg/kg	47 mg/kg	91 mg/kg	69 mg/kg	60 mg/kg	47-91mg/kg	47-91 mg/kg
Folic acid	Folic acid	2.6mg/kg	1.6 mg/kg	4.2 mg/kg	2.9 mg/kg	2.6 mg/kg	1.5-4.2mg/kg	1.4-4.2 mg/kg
Zinc	Zinc oxide	95mg/kg	70 mg/kg	136 mg/kg	103 mg/kg	95 mg/kg	70-136 mg/kg	70-136 mg/kg
Vitamin B12	Vitamin B12 0.1% WS	0.04mg/kg	0.022 mg/kg	0.058 mg/kg	0.04 mg/kg	0.04 mg/kg	0.02-0.058 mg/kg	0.020-0.058 mg/kg

6.0 IMPORT AND MANUFACTURING REQUIREMENTS

6.1 Regulatory Requirements:

6.1.1 Imported Wheat Flour

Imported wheat flour which does not meet all Regulatory Requirements in respect of its packaging shall be rejected for importation in the commerce of Liberia by the Bureau of Customs, MoCI and/or their designees. Where it is established after testing

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and/or analysis by the National Standards Laboratory (NSL) or a Certificate of Analysis that any consignment of imported wheat flour that does not meet the minimum requirements set forth in this Regulation, the entire shipment of flour shall be subject to confiscation and shall be forthwith destroyed or re-exported. The Importer shall be subject to appropriate fines and penalties in accordance with applicable law, including the penalty for false declaration to the Bureau of Customs. The Importer may also be prosecuted under the Penal Law of Liberia depending on the gravity of the offense.

6.1.2 Locally Manufactured Wheat Flour

In the case of locally manufactured wheat flour, sample(s) of each batch of wheat flour produced by the manufacturer shall be provided to the NSL for testing and analysis in accordance with the procedures set out in **Appendix II** of this Regulation. Such wheat flour may be reconditioned, relabeled, repackaged, destroyed or otherwise treated as necessary to cure Non-compliance with Regulatory Requirements, as identified by the NSL, at the cost of the manufacturer. While undergoing any of these processes, such wheat flour shall be identified clearly and stored separately from all other Foods. If not cured within a reasonable period, in accordance with this Regulation, such wheat flour shall be subject to confiscation and destruction as well as any other penalty under applicable laws.

6.1.3 Knowledge of Deficiencies

If any commercial distributor or retailer is or becomes aware, or reasonably ought to be aware, that wheat flour in his/her possession or control does not meet Regulatory Requirements, he/she shall return it to the seller from whom it was purchased. The seller shall be responsible for reconditioning the wheat flour or replacing it with wheat flour that meets Regulatory Requirements at its own expense and/or compensating the purchaser for any loss or damage, whether direct or indirect, suffered by the purchaser as a result of the seller's failure to meet the Regulatory Requirements.

6.2 Warranties

Every person who Imports, manufactures, displays, Distributes, Sells, or Exports wheat flour must enter into an agreement with the immediate purchaser under which the person represents and warrants that the wheat flour complies with the Regulatory Requirements relating to the Importation, manufacture, Distribution, Exportation or Sale of wheat flour. If no written warranty is provided to the ultimate consumer, a warranty nonetheless shall be implied by law and shall be enforceable by the consumer against his or her immediate seller.

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6.3 Permit for the Importation of Wheat flour

No person who intends to Import wheat flour shall do so without having permission as provided in this Section.

6.3.1 Application for Permission to Import

An application for permission to Import wheat flour shall be made to the MoCI in accordance with **Administrative Notice: MCI/No.002/12/2015**, which governs Import Permit Declarations (IPDs) and any other subsequent regulations governing IPDs that come into force **and with the procedures in Appendix I of this Regulation. The IPD procedures stipulated in Appendix I is to ensure that the flour is fortified in accordance with the prescribed standards.**

6.3.2 Quality Assurance

Every person who Imports, manufactures, packages or repackages, labels, Distributes, Sells, or Exports wheat flour shall establish procedures and carry out activities for Quality Control in accordance with the Regulatory Requirements to ensure that their activities and the wheat flour in their possession or under their control meets those requirements. Upon making an application for permission to Import, the Importer shall present a Certificate of Analysis for all consignments of wheat flour to be imported. No wheat flour shall be imported into Liberia without a Certificate of Analysis confirming that the wheat flour meets all Regulatory Requirements. Similarly, all domestic manufacturers of wheat flour shall provide sample(s) to the NSL. No wheat flour manufactured in Liberia shall be Distributed or Sold unless a Certificate of Analysis has been issued by the NSL confirming that the wheat flour meets all Regulatory Requirements.

6.3.3 Packaging

All packaged wheat flour shall be packaged in accordance with all applicable Regulatory Requirements in a manner that protects and preserves its composition, quality, purity, hygiene, and safety; protects it from harmful or contaminating substances, agents or effects; and protects its nutritive properties from excessive heat, moisture, and other conditions that may cause adverse effects to such properties. In addition to meeting all applicable Regulatory Requirements, wheat flour shall be packaged in accordance with Codex Alimentarius prescribed requirements.

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7.0 INSPECTION AND INVESTIGATIVE POWERS OF THE MINISTRY

Authorized Officers shall have the authority to conduct inspections and investigations to determine compliance with the Regulatory Requirements.

7.1 Inspections and Investigations

7.1.1 Inspection

The Premises and operations of all Importers and local manufacturers of wheat flour shall be subject to periodic inspection and Monitoring.

7.1.2 Investigation

Any Premises where the wheat flour is received, held, packaged, labeled, stored, displayed, Distributed, or Sold by any Person shall be subject to an investigation whenever an Authorized Officer has reasonable ground to believe that the wheat flour located in such Premises does not comply with any of the Regulatory Requirements.

7.1.3 Powers

If in the opinion of the MoCI certain wheat flour is Non-compliant with the Regulatory Requirements, it may take immediate steps to prohibit its Distribution or Sale to consumers or to restrict its use, until such Non-compliance is remedied.

8.0 ENFORCEMENT

8.1 Civil Enforcement

The MoCI may take a civil administrative enforcement action or may commence a civil action in a court of competent jurisdiction against any person responsible for the Importation, manufacture, packaging, labeling, storage, display, advertisement, Distribution, Sale, or Exportation of wheat flour found, pursuant to this Regulation, not to be or have been in substantial compliance with all provisions of the Regulatory Requirements. Penalties authorized by this Section may be imposed for each substantial violation of the Regulatory Requirements and may be imposed singly or in combination, as follows:

- a) Imposition of a civil fine of not less than 25% of the value as shown on a final invoice of the wheat flour in question, taking into account the seriousness of the violation, including scale of production and the potential harm for consumers, whether the same or similar violations have occurred previously, and such other factors as the MoCI deems appropriate.

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- b) Issuance of an order to cease and desist from any activity that does not comply with the Regulatory Requirements;
- c) Confiscation and destruction or other disposition of wheat flour that does not meet Regulatory Requirements;
- d) Business Registration suspension, cancellation or revocation.



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EFFECTIVE DATE

This regulation shall take immediate effect upon signing and publication.



SIGNED BY:

**MR. AXEL M. ADDY
MINISTER**

MINISTRY OF COMMERCE & INDUSTRY

Attested
WITNESSED BY:

**CLLR. FEDERICK CHERUE
MINISTER/ATTORNEY GENERAL R.L.
MINISTRY OF JUSTICE**

APPROVED BY:

**MRS. ELLEN JOHNSON SIRLEAF
PRESIDENT
REPUBLIC OF LIBERIA**

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ANNEX A**PROCEDURE FOR THE IMPORTATION OF WHEAT FLOUR**

Purpose:	To provide instructions to enhance effective and proper coordination of wheat flour importation procedures at MoCI
Scope:	This Procedure applies to flour import processing ONLY.
SOP Owner:	Technical Operations of Bureau of Trade Services
Review Period:	Semi-annually

Exceptions to these Instructions:

These instructions do not necessarily describe the procedures for trade processes within the entire commerce of Liberia. Those instructions may be found in different SOPs depending on the agencies or locations.

1.0 INSTRUCTIONS FOR FLOUR IMPORTATION AT MOCI TRADE FACILITATION STATION:**1.1 Rules for Trade Facilitation at MoCI****Rule 1:**

A Individual or Customs Broker can process IPD.

Rule 2:

MoCI processes documents based on an IPD Regulation and the Administrative Regulation on Wheat Flour. Copies are available at the Customer Service Center and online: www.moci.gov.lr

Rule 3:

Applicants must present legitimate identification

- e) If it is a registered business, present a photocopy of Business Registration Certificate from Liberia Business Registry
- f) If it is an individual, present two (2) photocopies of invoice and a copy of passport or an identification card.

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- g) Applicant must operate in accordance with the Administrative Regulation on Wheat Flour

Rule 4:

Applicants must present legitimate invoice documentation. If it is a registered business or individual, please present a pro forma invoice and the Packing List.

Rule 5:

Pro forma invoice should be consistent with activity mentioned on the Business Registration Certificate with the Liberian Business Registry

2.0 PROCEDURES**Step 1:**

Blank IPD or EPD is collected from MoCI Customer Service Center, BIVAC, National Customs Broker's Office, Liberia Revenue Authority or the Ministry of Finance and Development Planning.

Step 2:

- i. IPD is filled out and delivered to the MoCI Customer Service Center
- ii. IPD is checked in the MoCI Customer Service Center for consistency with the Trade Checklist
- iii. IPD is checked for compliance with the wheat flour conformity assessment from the National Standards Laboratory [Refer to the Certificate of Analysis and fortification requirements in the Administrative Regulation on Wheat Flour].
- iv. IPD is also presented to the Division of Price Analysis and Marketing Division for price analysis. The analyzed invoice and IPD are transmitted to the Director, Division of Trade, after the analysis.

Step 3:

- i. Invoice and Packing List delivered to Division of Price Analysis and Marketing Division for verification. Valid invoices are analyzed and stamped for processing by the Division of Trade.

Valid invoices will have the following:

- a) Valid supplier name & address;

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- b) Valid consignee name and address matching Business Registration name and address;
- c) Email address, fax number and telephone number;
- d) Price in line with international price quotation(s);
- e) All invoices must have container size indicated; and
- f) Signed and stamped by supplier.

Step 4:

IPDs are checked and signed by relevant authority:

- a) Wheat flour IPDs are presented in the Bulk Commodity Meeting for approval;
- b) Importation of wheat flour is approved based on the procedures described in Sections 1-3.

3.0 OTHER PROCEDURES: FROM COMMERCE TO BIVAC TO CUSTOMS/APM TERMINALS**3.1 If Pre-Shipment Inspection (PSI):**

- i. Broker collects documents from MoCI Customer Service Center;
- ii. Make payment to the Bank;
- iii. Submit documents to BIVAC for processing;
- iv. BIVAC issues an inspection number for submission to supplier for inspections;
- v. BIVAC conducts inspection and submits a clean report of findings;
- vi. Broker submits document to MoCI for final signature;
- vii. Proceed to customs for clearing of goods;
- viii. Customs assess CIF value and may or may not charge additional duty;
- ix. Broker pays APM Terminals and NPA fees;
- x. Goods cleared.

3.2 If Destination Inspection (DI):

- i. Broker collects documents from MoCI Customer Service Center;
- ii. Submit documents to BIVAC for verification;
- iii. Return to MoCI for final signature;
- iv. Broker collects signed document from MoCI Customer Service Center and proceeds to BIVAC for DI form;
- v. Proceed to customs for clearing of goods;
- vi. Customs may charge a 10% penalty for first offence DI; 20% for second offence; and 30% for third offence on your CIF value;
- vii. Broker pays APM Terminals and NPA fees;
- viii. Goods cleared.

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