

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No. 8 Vol. 98 dated 24th February, 2017

Printed by the Government Printer Dar es Salaam by Order of Government

GOVERNMENT NOTICE NO. 76 published on 24/02/2017

THE ENVIRONMENT MANAGEMENT (PROHIBITION OF MANUFACTURING,
IMPORTATION AND USE OF PLASTIC SACHETS FOR PACKAGING DISTILLED AND
OTHER ALCOHOLIC BEVERAGES) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

Regulation Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
OBJECTIVES

4. Objectives of these Regulations.

PART III
PROHIBITION OF MANUFACTURING, IMPORTATION AND USE OF
PLASTIC SACHETS FOR PACKAGING DISTILLED AND OTHER
ALCOHOLIC BEVERAGES

5. Prohibition of plastic sachets.
6. Prohibition on new licences.
7. Offences and penalties.

PART IV
COMPLIANCE AND ENFORCEMENT

8. Integrated enforcement and compliance.
9. Role and functions of Local Government Authorities.
10. Powers of Environmental Inspectors and Environment Management Officers.
11. Role of the Director of Environment.
12. Power to grant extra time.

PART V
GENERAL PROVISIONS

13. Repatriation of plastic sachets.
14. Confiscation and disposal plastic sachets.
15. Orders issued by the court.
16. Appeals to the Minister.
17. Appeals to the Tribunal.

“Environment Appeals Tribunal” means the Environment Appeals Tribunal established under section 204 of the Act;

“environment inspector” means an inspector appointed or designated under section 182 of the Act;

“plastic sachet” means a sachet made of plastic film used for packing distilled and other alcoholic beverages.

PART II OBJECTIVES

Objective 4. The objective of these Regulations is to impose a total ban on the manufacturing, importation and use of plastic sachets for packing distilled and other alcoholic beverages regardless of their thickness.

PART III PROHIBITION OF MANUFACTURING, IMPORTATION AND USE OF PLASTIC SACHETS FOR PACKAGING DISTILLED AND OTHER ALCOHOLIC BEVERAGES

Prohibition on plastic carrier bags and plastic sachets 5. Subject to these Regulations, plastic sachets used for packing distilled and other alcoholic beverages are prohibited from being manufactured or imported to Mainland Tanzania.

Prohibition of new licences 6. No licensing authority shall, after coming into force of these Regulations, register or issue a license to any person intending to manufacture or import plastic sachets prohibited by these Regulations.

Offences and penalties 7. Any person who manufactures, imports, sells, stores, distributes, supplies, possesses and uses plastic sachets prohibited under these Regulations, commits an offence and shall, upon conviction, be liable, in case of-

(a) importation, to a fine of not less than five million shillings or to a term of imprisonment of not less than two years or to both;

- (b) manufacturing, to a fine of not less than two million shillings or to a term of imprisonment of not less than two years or to both;
- (c) selling, storing, supplying and distributing, to a fine of not less than one hundred thousand shilling or to a term of imprisonment of not less than three months or to both; and
- (d) possessing and using, to a fine of not less than fifty thousand shilling or to a term of imprisonment of not less than three years or to both.

PART IV
COMPLIANCE AND ENFORCEMENT

Integrated enforcement and compliance

8. The Council shall, in collaboration with the ministry responsible for trade and industry, Tanzania Revenue Authority, The Tanzania Ports Authority, The Tanzania Airports Authority, The Police Force and such other relevant government organs, in the exercise of their statutory mandates ensure compliance and enforcement of these Regulations.

Role and functions of Local Government Authorities

9. Local Government Authorities shall, in addition to their roles and functions provided for under the Act and the Regulations made thereunder-

- (a) be responsible for ensuring compliance and enforcement of these Regulations; and
- (b) conduct public education and awareness programs on the importance of the prohibition of plastic sachets as well as their effects on human health and the environment.

Powers of environmental inspectors and Environment Management Officer

10. Environmental Inspectors and Environment Management Officers shall exercise such powers and functions as conferred upon them by the Act to ensure compliance and enforcement of these Regulations.

The Environment Management (Prohibition of Manufacturing, Importation and Use of Plastic Sachets for Packaging Distilled and other Alcoholic Beverages) Regulations, 2017

GN. No. 76 (contd).

Role of the Director of Environment

11. The Director of Environment shall monitor and assess the activities carried out by relevant persons and agencies in order to ensure compliance and enforcement of these Regulations.

Power to grant extra time

12.-(1) A manufacturer who has sufficient ground to justify the need for extra time to enable him to shift to alternative technology may apply to the Minister for extension of time.

(2) The Minister may, after being satisfied that the applicant has shown a good cause and upon fulfilment of the conditions as may be imposed, grant special permit to allow the plastic sachets to remain in the market for a specified period of time.

(3) Where a the special permit is granted, the applicant shall supply to the market alcoholic beverages packed in sachets of not less than one hundred millilitres.

(4) The Minister, after being satisfied that the conditions provided for under sub regulation (2) has been violated, may rescind the special permit at any time.

PART V
GENERAL PROVISIONS

Repatriation of plastic sachets

13. Any imported consignment of prohibited plastic sachets found at any point of entry in contravention with these Regulations shall be repatriated to the country of export at the cost of the importer.

Confiscation and disposal

14.-(1) Without prejudice to the provisions of regulations 13, plastic sachets found in contravention of these Regulations shall be confiscated and disposed of or recycled in an environmental sound manner under the supervision of the Council at the cost of the offender.

The Environment Management (Prohibition of Manufacturing, Importation and Use of Plastic Sachets for Packaging Distilled and other Alcoholic Beverages) Regulations, 2017

GN. No. 76 (contd).

(2) Subject to sub-regulation (1), the Council shall issue guidelines which shall prescribe for the procedures and the manner in which the confiscated plastic sachets may be disposed of or recycled by the relevant authorities.

Orders issued
by the court

15 The court may, in addition to any sentence imposed under these Regulations, issue order for-

- (a) forfeiture of plastic sachets;
- (b) closure of production unit;
- (c) cancellation of licenses; or
- (d) impose community service.

Appeals to the
Minister

16. A person aggrieved by the decision of the Council, Environmental Inspector, Environment Management Officer or any other person exercising powers under these Regulations, may within thirty days of such decision, appeal to the Minister.

Appeals to the
Tribunal

17. A person aggrieved by the decision of the Minister may within thirty days of such decision appeal to the Environmental Appeals Tribunal in such manner as may be prescribed by the Tribunal.

Dar es Salaam,
24th February, 2017

JANUARY MAKAMBA
Minister of State, Vice President
Office – Union Affairs and Environment