

Tanzania

Environmental Management Act, 2004

Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019

Government Notice 394 of 2019

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Part I – Preliminary provisions

1. Citation

These Regulations may be cited as the Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019 and shall come into force on the 1st day of June, 2019.

2. Application

These Regulations shall apply to the import, export, manufacturing, sale, supply, storage and use of plastic carrier bags within Mainland Tanzania.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Environmental Management Act;

“**alternative carrier bags**” means any bag made from organic material or woven recyclable material or non-woven material without plastic content or any such materials as the Minister may determine from time to time;

“**Council**” means the National Environment Management Council as established by the Act;

“**Director General**” means the Director General of the National Environment Management Council;

“**Minister**” means the Minister responsible for matters relating to the Environment;

“**plastic carrier bag**” means a bag made of plastic film, with or without handles, or gussets and to which its layer is in any thickness;

“**plastic packaging**” means plastic wrapping or casing or container prepared in advance to seal goods to protect from deterioration or contamination with other goods or extraneous matter, with a tamper proof seal and labeled to describe the product before sale or distribution or offer;

“**plastic packaging for agricultural sector**” means plastic wrapping or casing or sheets used for mulching or seedling or greenhouse or reservoir and irrigation system or crop collection, storage and transportation;

“**plastic packaging for construction industry**” means plastic wrapping, casing or sheets used for handling construction materials or damp-proof in buildings or pipes or cables or tiles or storage tanks or temporary structures or insulation or any other related functions;

“**plastic packaging for food processing**” means plastic wrapping or casing or container prepared in advance to preserve quality of foodstuff or protect foodstuff from contamination with other goods or extraneous matter, with a tamper proof seal or labeled to describe the product before sale or distribution or offer;

“**plastic packaging for industrial products**” means plastic wrapping or casing or container prepared in advance, to preserve quality of industrial goods or protect from contamination with other goods or extraneous matter, with a tamper proof seal or labeled to describe the product before sale or distribution or offer;

“**plastic packaging for medical services**” means plastic wrapping or casing or container used in the furnishing of medicine or medical or surgical treatment or nursing or hospital services or dental services or optometrical services; or complementary health services; or any other necessary services of like character whether or not contingent upon sickness; and

“**plastic packaging for sanitary and waste management**” means large sized plastic carrier bag solely for collecting and handling of solid waste, with a minimum thickness and size to be prescribed by order of the Minister.

[Cap 191]

Part II – Objectives

4. Objectives of the regulations

The objectives of these Regulations are to—

- (a) impose a total ban on the import, export, manufacturing, sale, and use of plastic carrier bags regardless of their thickness;
- (b) protect human and animal health as well as the environment from the likely adverse effects of utilisation of plastic carrier bags; and
- (c) provide economic and financial incentives for the production and importation of alternative carrier bags.

Part III – Prohibition of plastic carrier bags

5. Prohibition of plastic carrier bags

All plastic carrier bags, regardless of their thickness are prohibited from being imported, exported, manufactured, sold, stored, supplied and used in Mainland Tanzania.

6. Prohibition of plastic wrappings

Without prejudice to the provision of regulation 5, no person shall sell or offer for sale beverages or other commodities wrapped in plastics unless the nature of such commodities require wrappings by plastics.

7. Prohibition of new licences

No licensing authority shall, after coming into force of these Regulations, register or issue a license or permit to any person intending to import, export, manufacture or sell plastic carrier bags that have been prohibited by these Regulations.

8. Offences and penalties

Any person who imports, exports, manufactures, sells, stores, distributes, supplies, possesses and uses plastic bags and plastic wrappings in contravention of this Part commits an offence and shall, upon conviction be liable, in case of—

- (a) manufacturing or importation, to a fine of not less than twenty million shillings but not exceeding one billion or to imprisonment for a term not exceeding two years or to both.
- (b) exportation, to a fine of not less than five million shillings but not exceeding twenty million or to imprisonment for a term not exceeding two years or to both
- (c) storing, supplying and distributing to a fine of not less than five million shillings but not exceeding fifty million or to imprisonment for a term not exceeding two years or to both.
- (d) selling, to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.
- (e) possessing and using to a fine of not less than thirty thousand shillings but not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding seven days or to both.

Part IV – Exemptions

9. Exemption of plastic packaging

Without prejudice to the provisions of regulation (5), plastic or plastic packaging for medical services or industrial products or construction industry or agricultural sector or food processing or sanitary and waste management are exempted from the prohibition.

10. Management of waste exempted plastic packaging

Any person who imports, exports, manufactures, sells, stores, distributes, supplies, posses and uses plastic packaging exempted under these Regulations shall ensure that the waste exempted plastic packaging are managed and disposed of in accordance with the Environmental Management (Solid Waste Management) Regulations and the Environmental Management (Hazardous Waste Control and Management) Regulations.

[G.N.s Nos. 263 of 2009 and 264 of 2009]

11. Quality standards of exempted plastic packaging

- (1) Any person who imports, exports or manufactures plastic packaging which are exempted by these Regulations shall ensure that such products meet the quality standards prescribed by the Tanzania Bureau of Standards.
- (2) The Minister shall promote the production and use of alternative carrier bags and wrappings.

12. Duty to manage plastic wrappings

Subject to regulation 6, any person who imports, manufactures, supplies or sells commodities wrapped in plastics shall ensure that the plastic wrappings are managed or disposed of in accordance with the Environmental Management (Solid Waste Management) Regulations, 2009.

Part V – Compliance and enforcement

13. Powers of the Minister

- (1) The Minister may periodically issue guidelines, orders or directives in order to facilitate the implementation of these Regulations.
- (2) Without prejudice to the generality of sub-regulation (1), the Minister may:—
 - (a) in consultation with the Minister responsible for Finance, prescribe financial and economic incentives to encourage the production and importation of alternative carrier bags and the setting up of plastic recycling and waste management facilities.
 - (b) designate environmental inspectors at all custom entry points to ensure compliance and enforcement of these Regulations.

14. Integrated enforcement and compliance

The Council in collaboration with the ministry responsible for trade and industry, Tanzania Revenue Authority, The Tanzania Ports Authority, The Tanzania Airports Authority, The Police Force, The Tanzania Food and Drugs Authority, Chief Government Chemist Laboratory Agency, Tanzania Bureau of Standards, Immigration Department and such other relevant government organs shall in the exercise of their statutory mandates ensure compliance and enforcement of these Regulations.

15. Role and functions of Local Government Authorities

Local Government Authorities, in addition to their roles and functions on waste management provided for in the Act and in the Environmental (Solid Waste Management) Regulations shall—

- (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 carrier bags use as well as their effects on human health and the environment.

[G.N No. 263 of 2009]

16. Powers of Environmental Inspectors

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

Part VI – General provisions

17. Repatriation of plastic bags

Any imported consignment of prohibited plastic carrier bags or of exempted plastic packaging found at any point of entry in contravention of these Regulations shall be repatriated to the country of export at the cost of the importer.

18. Confiscation and disposal of plastic carrier bags

- (1) Without prejudice to the provisions of regulation 17, plastic carrier bags found in contravention of these Regulations shall be confiscated and disposed of or recycled in an environmentally sound manner under the supervision of the Council or environmental inspectors, at the cost of the offender.

- (2) The relevant authorities shall ensure that any plastic carrier bags entered in Tanzania Mainland in contravention of these Regulations, are confiscated at the point of entry and disposed of or recycled in an environmentally sound manner under the supervision of the Council or environmental inspectors.

19. Mandatory takeback of waste plastic bottles

Without prejudice to the provisions of regulation 5, any manufacturer or supplier of products contained in plastic bottles shall set-up, operate or participate in a take-back system in collecting their respective waste plastic bottles for recycling purposes, provided that no additional price is chargeable for that service.

20. Compounding of Offence

- (1) The Director General or an Environmental Inspector for the purposes of enforcement of these Regulations, may compound any offence under these Regulations from any person who shows willingness to pay the sum of money as penalty for contravening the provisions of these Regulations.
- (2) Without prejudice to the provisions of sub-regulation (1), any person designated by the relevant Local Government Authority for the purposes of enforcement of these Regulations, may compound the offence under regulation 8(e) from any person who shows willingness to pay the sum of money as penalty.
- (3) Subject to the provisions of regulation 8, no further penalty shall be imposed against a person in respect of whom powers to compound offence has been exercised.

21. Orders issued by the Court

The Court may, in addition to any conviction granted pursuant to these Regulations, issue the following orders:

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

22. Appeals to Minister

A person who is aggrieved by any decision made under these Regulations may appeal within thirty days of that decision appeal to the Minister.

23. Appeals to Tribunal

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

24. Revocation of GN. No. 271 of 2015

The Environmental Management (Control of Plastic Bags) Regulations, 2015 is hereby revoked.