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THE ENVIRONMENTAL MANAGEMENT ACT,
(CAP. 191)

REGULATIONS

(Made under section 230(1))

THE ENVIRONMENTAL MANAGEMENT (REGISTRATION AND PRACTICE OF
ENVIRONMENTAL EXPERTS) REGULATIONS, 2021

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THE ENVIRONMENTAL MANAGEMENT ACT,
(CAP. 191)

REGULATIONS

(Made under section 230(1))

THE ENVIRONMENTAL MANAGEMENT (REGISTRATION AND
PRACTICE OF ENVIRONMENTAL EXPERTS) REGULATIONS, 2021

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|--|
| Citation | 1. These Regulations may be cited as the Environmental Management (Registration and Practice of Environmental Experts) Regulations, 2021. |
| Application | 2. These Regulations shall apply to registration, categorization, practicing and conduct of environmental experts and firms of environmental experts registered and certified under these Regulations to conduct- <ul style="list-style-type: none">(a) environmental impact assessment;(b) environmental audit; or(c) any other environmental study that may be required to be undertaken under the Act or its Regulations. |
| Interpretation | 3. In these Regulations, unless the context otherwise requires- |
| Cap. 191 | “Act” means the Environmental Management Act;
“area of expertise” means professional qualification and experience that an individual possesses;
“Association” means the Association of Environmental Experts;
“Board” means the Board of Directors of the Council established under the Act;
“certification” means the method of assessing or |

ascertaining the qualifications, competence, capability, experience and other abilities of a person to carry out environmental impact assessment or environmental audit;

“Committee” means the Environmental Experts Advisory Committee established under regulation 5;

“complaint” means a grievance received by the Council from the developer or proponent against the consultant or *vice versa* regarding unsatisfactory performance of one’s obligation, breach of contract or misconduct;

“Council” means the National Environment Management Council established under the Act;

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

“Director” means the Director of Environment appointed under the Act;

“environmental audit” has the meaning ascribed to it under the Act;

“environmental expert” means a person or firm of experts which has requisite qualifications prescribed by these Regulations and duly certified and registered in the register of environmental experts;

“environmental impact assessment” has the meaning ascribed to it under the Act;

“environmental study” means the process of conducting an environmental impact assessment or environmental audit or strategic environmental assessment or any other study that may be required to be conducted with respect to environmental management;

“foreign environmental expert” means a person originally registered and certified outside Tanzania and has been certified to operate for the specific project in Mainland Tanzania;

“foreign firm of environmental experts” means a firm of environmental experts originally registered and certified outside Tanzania which has been certified to carry out a specific project in Mainland Tanzania;

“Minister” has the meaning ascribed to it under the Act;

“specialist” means a person whose knowledge is necessary

to ensure successful conduct of an environmental study;

“register” means the register of environmental experts where records of environmental experts are entered and maintained;

“Registrar” means the Registrar designated under regulation 12;

“trainee” means a graduate who has been attached in a firm of environmental experts to gain experience in conducting environmental impacts assessments or environmental audits or both;

“public officer” means a civil servant employed by the Government or any officer of a Government authority, parastatal organisation or any other Government institution; and

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“Technical Advisory Committee” means a committee established by the Council under the Environment Impact Assessment and Audit Regulations, 2005.

PART II OBJECTIVES

Objectives

4. The objectives of these Regulations are to-
- (a) establish a system of registration, categorization and practicing of environmental experts;
 - (b) provide for qualifications for persons who may conduct environmental studies;
 - (c) provide for a system of nurturing competence, knowledge and consistence of environmental experts in the carrying out of environmental impact assessment and environmental audits; and
 - (d) provide for a code of conduct, discipline and control of environmental experts.

PART III
ESTABLISHMENT OF ENVIRONMENTAL EXPERTS ADVISORY
COMMITTEE

Establishment
and
composition of
Environmental
Experts
Advisory
Committee

5.-(1) There is hereby established a Committee to be known as the Environmental Experts Advisory Committee.

- (2) The Committee shall consist of-
- (a) the Chairperson who shall be appointed by the Director General and he shall-
 - (i) be a reputable expertise with experience of at least 20 years in environmental management profession;
 - (ii) be of high-profile social standing; and
 - (iii) not be an employee of the council;
 - (b) one representative of the Director of Environment;
 - (c) one person from each of the following:
 - (i) the umbrella institution of the private sector;
 - (ii) the Attorney General's Office;
 - (iii) the umbrella association of academic and research institutions; and
 - (iv) the Professional association of environmental experts;
 - (d) Registrar of any other professional body; and
 - (e) Secretary to the Committee who shall be appointed by the Director General among senior officers of the Council.

Functions of
Committee

- 6.-(1) The functions of the Committee shall be to advise the Council on matters related to-
- (a) registration, practice and conduct of environmental experts;
 - (b) establishment, maintenance and monitoring of professional standards for environmental practice;

- (c) inquiry, investigation and disciplinary action against professional misconduct by environmental experts as is necessary for ensuring the maintenance of professional standards, ethics and integrity environmental experts; and
- (d) any other issue related to practice and conduct of environmental experts.

(2) The Committee may establish sub-committees and may invite other persons to provide technical or professional advice as it considers necessary to execute its functions.

Procedure of meetings of Committee

7.-(1) The Chairperson shall preside over the meetings of the Committee and on his absence the present members shall nominate one among its members to act as Chairperson.

(2) The meetings of the Committee shall be held quarterly at such places as shall be determined by the Secretary in consultation with the Chairperson.

(3) The Committee may convene an extraordinary meeting whenever necessary.

(4) The quorum of the meeting shall be at least two third of the members.

(5) The decisions of the Committee shall be made by consensus.

(6) The Committee shall cause to be recorded and kept details of all business conducted or transacted during the meetings and the minutes of each meeting shall be read and confirmed at the next meeting and thereafter signed by the person presiding in that meeting and the Secretary to the Committee.

Tenure of office of members of Committee

8. Members of the Committee shall hold office for a term of three years and may be reappointed for another term.

Cessation of membership

9. A member of the Committee shall cease to be a member if-

- (a) he resigns;

- (b) he dies;
- (c) he ceases to be a member of institution which he represents;
- (d) he is convicted of an offence and sentenced to imprisonment for a term of or more than six months; or
- (e) he fails to attend three consecutive meetings of the committee without good cause.

Disclosure of
conflicting
interest

10.-(1) A member of the Committee who has a direct or indirect interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose his interest to the Committee.

(2) Where a disclosure has been made, the member disclosing the interest shall not be present or participate in the deliberations of the Committee regarding that matter.

Remuneration

11. Without prejudice to any other written law, the Council shall adhere to Government financial legislations in regard to rates of allowance payable to members of the Committee.

PART IV REGISTRATION OF ENVIRONMENTAL EXPERTS

Designation of
Registrar

12. The Director responsible for environmental assessment from the Council shall be the Registrar of environmental experts.

Functions of
Registrar

13. The Registrar shall be responsible for-
- (a) receiving and processing applications for registration and practicing of environmental experts for approval by the board;
 - (b) issuing registration and practicing certificates to qualified environmental experts;
 - (c) suspending or revoking certificates of registration or practicing of any environmental

- expert for professional misconduct or violation of these regulations or any other legislations relevant to his area of expertise;
- (d) removing from the register any environmental expert for professional misconduct;
- (e) reinstating any environmental expert who has been removed from the register;
- (f) receiving and resolve complaints related to conduct of environmental experts;
- (g) maintaining and make available to the public a register of environmental experts;
- (h) facilitating search of entries made in the register;
- (i) preparing reporting format to be used by applicants applying for registration and practicing of environmental experts from time to time;
- (j) preparing annual reports on the practicing and conduct of environmental experts and submit to the Minister; and
- (k) developing and updating criteria for qualifications of environmental experts in their areas of expertise.

Categorization
of
environmental
experts

14. There shall be three categories of environmental experts namely-

- (a) Category I - "Graduate Environmental Experts" which shall consist of-
 - (i) newly registered and certified environmental experts; or
 - (ii) public officers who have been employed for at least one year and having successfully reviewed at least 20 Type "B2" projects;
- (b) Category II - "Professional Environmental Experts" which shall consist of-
 - (i) graduate environmental experts with a proven practical experience of conducting successfully at least ten

- category “B2” projects within three years in a specific area of expertise and has not been convicted of a professional misconduct, disciplinary offence or submission of substandard environmental reports; or
- (ii) public officers who have been employed and worked for at least 3 years and reviewed at least 50 projects successfully including Type A and Type B2; and
- (c) Category III - “Consulting Environmental Experts” which shall consist of-
- (i) professional environmental experts with a proven practical experience of leading at least five category “A” or “Special category” projects within eight years in a specific area of expertise and not been convicted of a professional misconduct, disciplinary offence or submission of substandard environmental reports; or
- (ii) public officers who have been employed for at least 5 years and having successfully reviewed at least 200 projects, a quarter of which should be type A.

Categorization
of firms of
environmental
experts

15. There shall be three categories of firms of environmental experts namely-

- (a) “Category III Firm of Environmental Experts” is a firm consisting of at least two Graduate Environmental Experts and shall undertake type “B2” projects only;
- (b) “Category II Firm of Environmental Experts” is a firm consisting of at least two Professional Environmental Experts and shall undertake type

"B2", "B1" or "A" projects; and

- (c) "Category I Firm of Environmental Experts" is a firm consisting of at least two Consulting Environmental Experts and shall undertake type "B2", "B1", "A" or "special" projects.

Qualifications
for registration
of
environmental
expert

16. A person may apply for registration as an environmental expert if he-

- (a) is a citizen of Tanzania;
- (b) has a degree in Environmental Science, Environmental Engineering, Environmental Health, Geography and Environment, Environmental Science Management, Environmental Studies, Water Resources, Mining Engineering, Chemical and Processing Engineering, Wildlife, Environmental Planning, Natural Resource Science and Management or any other relevant field from a recognized higher learning institution;
- (c) has undergone training in environmental impact assessment or environmental audit in recognized higher learning institution;
- (d) has identified specific areas of expertise;
- (e) has evidence of attachment as an intern or trainee to a registered firm for not less than one year;
- (f) has evidence of participation in the conduct or review of at least two full successful environmental impact assessment or environmental audit studies; and
- (g) has not been convicted of a professional or disciplinary offence.

Qualifications
for registration
of firm of
environmental
experts

17. A firm of environmental experts may apply for registration if it has-

- (a) at least two registered environmental experts in relevant fields with valid practicing certificates;
- (b) been incorporated in Mainland Tanzania;
- (c) identified areas of expertise; and

- (d) specialists from different disciplines constituting a multi-disciplinary team.

Application
for registration
of
environmental
expert

18.-(1) A person applying for registration as an environmental expert shall fill in Form No. 1 as set out in the First Schedule to these Regulations and submit it to the Registrar together with non-refundable application fee prescribed by the Minister.

(2) Where a person intends to apply to conduct both an environmental impact assessment and environmental audit, he shall make two separate applications.

(3) Subject to subregulation (1), an applicant shall attach the following documents-

- (a) certified copies of academic certificates and transcripts;
- (b) curriculum vitae and three referees, one of whom shall be a registered environmental expert in Mainland Tanzania;
- (c) a field practicing report describing projects undertaken endorsed by his or her supervisor along with recommendation letter;
- (d) a certified copy of TIN certificate;
- (e) a certified copy of business license;
- (f) a certified copy of receipt for payment of application fee; and
- (g) any other particulars as the Council may require from time to time.

Application
for registration
of firm of
environmental
experts

19.-(1) A firm applying for registration as a firm of environmental experts shall fill in Form No. 2 as set out in the First Schedule to these Regulations and submit it to the Registrar together with non-refundable application fee prescribed by the Minister.

(2) Subject to subregulation (1), an applicant shall attach the following documents-

- (a) curriculum vitae and certified copies of academic certificates and transcripts of at least two registered environmental experts, hereinafter referred to as lead experts, in

- relevant fields with valid practicing certificates;
- (b) curriculum vitae, certified copies of academic certificates and transcripts and employment contracts of other specialists affiliated with the firm;
- (c) certificate of incorporation or partnership deed from Mainland Tanzania;
- (d) a certified copy of TIN certificate;
- (e) a certified copy of business license;
- (f) a certified copy of business name registration certificate, where applicable;
- (g) a certified copy of payment of application fee; and
- (h) any other particulars as the Council may require from time to time.

Determination
of applications
for certificate
of registration

20.-(1) The Registrar shall consider the applications for registration and decide on the matter within sixty days.

(2) The Committee shall advise the Registrar in the process of evaluation and determination of applications for registration of environmental experts.

(3) The Registrar shall, upon completion of process of evaluation and determination, submit his recommendations to the Board for approval.

Notification

21. After approval by the Board, the Registrar shall, within fourteen days, notify the applicant that his application has been approved or rejected.

Publication of
registered
environmental
experts

22. By a notice in the *Gazette* and website of the Council, the Registrar shall, after approval by the Board, publish the names, postal addresses, location of premises and areas of expertise of an environmental expert and in case of a firm, its postal address, location of premises and areas of expertise.

Certificate of
registration

23.-(1) The Registrar shall, upon payment of fee for registration certificate, issue a certificate of registration in Form No. 3 as set out in the First Schedule to these

Regulations.

(2) A certificate issued under this regulation shall specify-

- (a) the type of registration;
- (b) areas of expertise; and
- (c) category of a registered environmental expert.

PART V
PRACTICING OF ENVIRONMENTAL
EXPERTS

Restriction on
practicing of
environmental
experts

24.-(1) A registered environmental expert in any category shall not conduct any environmental study without a practicing certificate issued under these Regulations.

(2) A foreign environmental expert or a foreign firm of environmental experts shall not conduct any environmental study without a practicing permit issued under these Regulations.

(3) A certified environmental expert shall provide professional expertise in the area indicated in his practicing certificate.

Application
for practicing
certificate for
environmental
expert

25.-(1) A registered environmental expert applying for a practicing certificate shall submit to the Registrar a duly filled application Form No. 4 set out in the First Schedule to these Regulations together with non-refundable application fee as prescribed by the Minister.

(2) Subject to subregulation (1), the applicant shall attach -

- (a) a copy of certificate of registration as an environmental expert;
- (b) a certified copy of valid business license;
- (c) a certified copy of TIN certificate;
- (d) a copy of receipt as a proof of payment of application fee; and
- (e) a proof of membership to the professional association of environmental experts.

Application
for practicing
certificate for
firm of
environmental
experts

26.-(1) A registered firm of environmental experts applying for a practicing certificate shall submit to the Registrar a duly filled application Form No. 5 set out in the First Schedule to these Regulations together with non-refundable application fee as prescribed by the Minister.

(2) Subject to subregulation (1), the applicant shall attach -

- (a) a copy of certificate of registration as a firm of environmental experts;
- (b) proof of existence of eligible registered environmental experts necessary to maintain the firm's category;
- (c) a certified copy of valid business license;
- (d) a certified copy of TIN certificate; and
- (e) a copy of receipt as a proof of payment of application fee.

Issuance of
practicing
certificate

27.-(1) The Registrar shall, upon being satisfied that the requirements of these Regulations have been complied with, issue a practicing certificate to an environmental expert or to a firm of environmental experts in Form No. 6 as set out in the First Schedule to these Regulations.

(2) The practicing certificate issued under these Regulations shall be valid for a period of three years from the date of issue and may be renewed upon application for another period of three years;

Provided that an environmental expert or a firm of environmental experts shall pay annual fee for each year.

Mandatory
professional
career
development

28.-(1) Environmental experts issued with practicing certificate shall be required to undergo continuous career development programmes to enhance their knowledge and competence in environmental management issues.

(2) Subject to subregulation (1), knowledge and competence of environmental experts may be enhanced through the following:

- (a) tailored training in environmental management issues offered by recognized institutions;
- (b) internship to practicing firms of environmental experts;
- (c) attending annual general meetings of professional association of environmental experts;
- (d) attending relevant environmental courses or training in the country or abroad;
- (e) participating in environmental related research;
- (f) publishing scientific articles on environmental management issues in recognized national or international journals; or
- (g) participating in major national or international environmental events.

(3) The professional association of environmental experts shall prepare guidelines to administer career development programmes for environmental experts including-

- (a) *modus operandi*;
- (b) scheme for awarding points; and
- (c) minimum points required for renewal of practicing certificate under regulation 29(a)(ii).

Conditions for
renewal of
practicing
certificate

29. On renewing the practicing certificate, the applicant shall fill in Form No. 7 as set out in the First Schedule to these Regulations and submit it together with the following-

- (a) in case of an environmental expert-
 - (i) expired practicing certificate;
 - (ii) evidence of attaining a minimum of 10 points of continuous professional development approved by the professional association of environmental experts;
 - (iii) copies of receipts as evidence of payment of annual fee;
 - (iv) a certified copy of business license;
 - (v) a certified copy of TIN certificate;
 - (vi) a certified copy of tax clearance

- certificate; and
- (vii) a copy of receipt as evidence of payment of application fee;
- (b) in case of a firm of environmental experts-
 - (i) expired practicing certificate;
 - (ii) certified copy of articles of association or partnership deed or a certificate of business name;
 - (iii) copies of receipts as evidence of payment of annual fee;
 - (iv) contract of employment of a specialist whose curriculum vitae determines firm's area of expertise;
 - (viii) a certified copy of business license;
 - (ix) a certified copy of TIN certificate;
 - (v) a certified copy of tax clearance certificate; and
 - (x) a copy of receipt as evidence of payment of application fee.

Issuance of renewed practicing certificate

30. The Registrar shall, upon payment of fee for renewal of practicing certificate by the applicant, issue a practicing certificate in Form No. 6 as set out in the First Schedule to these Regulations.

Consequences for non-renewal of practicing certificate

31. An environmental expert or a firm of environmental experts that has failed to renew a practicing certificate shall not undertake any environmental study.

Conflict of interest

32.-(1) A public officer shall not carry out environmental impact assessment or environmental audit studies for avoidance of conflict of interest, partiality and for the purpose of good practice.

(2) Notwithstanding subregulation (1), a public officer who is registered and certified environmental expert may carry out environmental studies related to the core business of his institution;

Provided that the public officer who carried out environmental studies shall not form part of the Technical Advisory Committee of the Council.

Application
for practicing
permit for
foreign
environmental
expert

33.-(1) A foreign environmental expert who wishes to practice as an environmental expert in Tanzania shall apply for practicing permit by fill in Form No.8 as set out in the First Schedule to these Regulations and submit it to the Registrar together with non-refundable application fee prescribed by the Minister.

(2) Subject to subregulation (1), an applicant shall attach the following documents-

- (a) a valid certification or accreditation as an environmental expert obtained from outside Mainland Tanzania;
- (b) two abstracts of relevant environmental studies conducted in the last three years;
- (c) copies of academic certificates accredited by the Tanzania Commission of Universities (TCU) or any other authorized body;
- (d) a detailed curriculum vitae;
- (e) a letter of introduction by a project proponent or developer of a specific project; and
- (f) any other particulars as the Council may require from time to time.

(3) Application submitted under this regulation shall be for an individual seeking practicing permit in a field with no local expertise and for a specific project.

Application
for practicing
permit for
foreign firm of
environmental
experts

34.-(1) A foreign firm of environmental experts wishing to practice as a firm of environmental experts in Tanzania shall apply for practicing permit by fill in Form No. 9 as set out in the First Schedule to these Regulations and submit it to the Registrar together with non-refundable application fee prescribed by the Minister.

(2) Subject to subregulation (1), the firm shall submit the following documents-

- (a) a copy of valid certification or accreditation as a registered firm of environmental experts obtained from outside Mainland Tanzania;
- (b) copies of academic certificates of experts of the Firm accredited by the Tanzania Commission of Universities (TCU) or any other authorized body;

- (c) comprehensive company profile indicating relevant environmental studies undertaken in the last three years and curriculum vitae of registered foreign environmental experts;
- (d) a letter of introduction by a project proponent or developer of a specific project explaining the need for foreign expertise; and
- (e) any other particulars as the Council may require from time to time.

Practicing
permit for
foreign
environmental
expert or
foreign firm of
environmental
experts

35.-(1) The Registrar shall, after being satisfied that the requirements of these Regulations have been complied with, issue a practicing permit for a foreign environmental expert or foreign firm of environmental experts in Form No. 6 as set out in the First Schedule to these Regulations.

(2) The practicing permit issued under this regulation, shall be valid for a period of twelve months from the date it was issued or after completion of the specific professional assignment, whichever comes first.

Maintenance
of register

36. The Registrar shall, in a format provided in the Second Schedule to these Regulations or any further directions of the Council, maintain an up-to-date register in which the names of persons certified and registered by the Council to practice as environmental experts shall be entered.

PART VI CODE OF CONDUCT AND PROFESSIONAL ETHICS

Code of
Conduct and
Professional
Ethics

37.-(1) An environmental expert shall comply and adhere to the Code of Conduct and Professional Ethics prescribed in the Third Schedule to these Regulations.

(2) An environmental expert who contravenes any of the provisions of the Code of Conduct and Professional Ethics commits a professional misconduct and shall be subject to disciplinary action by the Registrar.

Professional
misconduct of

38. An environmental expert shall be deemed to

environmental
experts

have committed professional misconduct if he-

- (a) fraudulently obtains registration or practicing certificate;
- (b) undertakes environmental assessment study while the practicing certificate is suspended or revoked;
- (c) fails to exercise appropriate supervision of a person authorized to practice under his supervision;
- (d) delegates professional responsibilities to unqualified person;
- (e) accepts any work which involves the giving or receiving of bribes or inducements;
- (f) accepts to take up or complete work partly done by another expert where-
 - (i) there is an existing contract of engagement between a proponent and that other expert; or
 - (ii) to the best of his knowledge there exists un concluded disciplinary proceedings concerning that other expert with the Committee;
- (g) undertakes specialist work without sufficient knowledge or professional experience;
- (h) conducts himself in a manner which, after due inquiry, the Council considers incompetent or grossly negligent in the course of performing his works;
- (i) gives expert evidence in the courts, tribunals or before other judicial bodies where he or she has personal or vested interest, unless he has disclosed the nature of the interest when expressing his or her opinion;
- (j) discloses or misuses information marked as confidential by the project proponent or operator;
- (k) reveals the personal identifiable facts, data, or information obtained in a professional capacity without the prior consent of the project proponent or developer, except as authorized or

- required by law;
- (l) claims to own another environmental expert's ideas, designs and concepts unless such concepts, designs or ideas are duly acknowledged;
 - (m) abandons work already started without giving a satisfactory explanation and a notice of at least fourteen days to the client;
 - (n) acts for two parties with declared conflicting or competing interests, where such disclosure is requested in writing by the clients in the course of securing business from the client;
 - (o) withholds reports, information and other materials connected to the project from an employer or client if the other party has fulfilled his part of the contract;
 - (p) rejects to provide professional service to a person on the grounds of any form of discrimination; or
 - (q) permits, facilitates or abets unqualified person to perform activities requiring a practicing permit.

Complaints on
conduct of
environmental
experts

39.-(1) A person who is aggrieved by the conduct of an environmental expert in the carrying out of his work in accordance with the provisions of the Act or these Regulations may, within thirty days, lodge a complaint in writing to the Registrar.

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(2) The Technical Advisory Committee may, after evaluating and rating the environmental impact assessment or audit report of an environmental expert subject to the Environmental Impact Assessment and Audit Regulations, 2005, is of the opinion that the report is below the required standards, recommend the Registrar to take necessary disciplinary action in accordance with these Regulations.

(3) The Registrar may, where the circumstances show that an environmental expert has committed a professional misconduct under regulation 38, *suo moto* institute disciplinary action against that environmental expert.

Complaints
handling
procedure

40.-(1) The Registrar shall, before taking any disciplinary action, give an environmental expert a notice to show cause why he should not be disciplined.

(2) The Registrar shall serve a copy of the notice to show cause to the complainant.

(3) The environmental expert shall, after receiving a notice to show cause, reply to the notice within fourteen days from the date of receipt of the notice.

(4) The Registrar shall, after receiving response from the environmental expert under subregulation (3) or upon expiration of fourteen days, seek advice from the Committee with a view to resolve the matter.

(5) The Registrar may, upon receiving the advice from the Committee, prepare charges or dismiss the complaint.

Preparation of
charges

41.-(1) The Registrar shall, after being satisfied that there is justifiable complaints against the environmental expert, prepare a charge statement stating the facts of complaints against the environmental expert.

(2) The Registrar shall form a disciplinary committee within the Council comprising of three members, one of whom shall be a female, to investigate the matter and advise the Registrar accordingly.

(3) The disciplinary committee established under subregulation (2) may summon the complainant to adduce evidence and the environmental expert to defend himself.

(4) The disciplinary committee shall record its proceedings.

Decision of
Registrar

42.-(1) Where an environmental expert is found guilty of committing a professional misconduct, the Registrar may, in writing and after approval by the Board-

- (a) strike out the name of the environmental expert from the register and cancel the certificate;
- (b) suspend the environmental expert from practicing for a period not exceeding twelve months;
- (c) reprimand the environmental expert;

(d) order payment of a penalty or costs against the environmental expert; or

(e) order the environmental expert to compensate the aggrieved party a sum of money as may be determined by the Registrar.

(2) The Registrar shall, in considering the appropriate penalty to impose, take into account the magnitude of the misconduct, the frequency of the commission of the misconduct and the background of the environmental expert.

(3) An environmental expert who have been reprimanded or suspended for more than two times for professional misconducts his name shall be struck off from the register and his certificate shall be cancelled.

(4) The environmental expert whose certificate has been cancelled under this regulation may reapply for a practicing certificate after a period of not less than three years from the date of its cancellation.

(5) The Registrar shall consider a complaint within a period of forty five days from the date in which the complaint has been lodged.

Consequences
of
disqualification
from
profession

43. An environmental expert who has been disqualified from his profession shall be disqualified from practicing as an environmental expert.

Appeal

44. A person who is aggrieved by the decision of the Registrar under these Regulations may appeal to the Minister within a period of thirty days from the date the decision was communicated to him.

PART VII GENERAL PROVISIONS

Non-
transferability

45. A certificate issued in accordance with these Regulations shall not be transferable.

Fees for
services
rendered

46. The fees chargeable by environmental experts for professional services rendered shall considers the following factors:

- (a) the skill and knowledge required;
- (b) consultation involved;
- (c) risks involved in carrying out the study;
- (d) the nature, scope and type of responsibility to be undertaken;
- (e) studies involved in completing the assessment; and
- (f) time needed for the study.

Offence

47.-(1) Any environmental expert who commits professional misconduct resulting into

- (a) loss of life; or
- (b) economic loss;

commits an offence and on conviction, shall be liable to a fine not exceeding ten billion shillings or to an imprisonment for a term not exceeding seven years or to both.

(2) The court by which the environmental expert is convicted of an offence under subregulation (1) may, in addition to the penalty imposed, award such sum of money to the aggrieved party as it considers necessary.

Application to
suspend
practicing
certificate

48.-(1) Where an environmental expert intends to temporarily suspend his practice, he may apply in writing to the Registrar for suspension of his practicing certificate for a period specified in the application.

(2) The Registrar shall not approve the application made under subregulation (1) where the environmental expert has-

- (a) any pending work of the developer;
- (b) complaint pending against him; or
- (c) outstanding fees.

(3) When a practicing certificate is suspended under this regulation, the environmental expert shall be-

- (a) required to surrender his practicing certificate to the Registrar;
- (b) subjected to pay twenty five percent of the annual practicing fees; and
- (c) required to attain five points of continuous professional career development programme in

order to keep his name in the register.

(4) The environmental expert suspended from practicing shall be removed from the published list of practicing environmental experts.

Loss or
destruction of
certificate

49.-(1) Where any certificate issued under these Regulations has been lost, destroyed or defaced, the holder shall notify the Registrar and the Registrar shall, after being satisfied that there are genuine reasons and upon payment of the prescribed fee, issue a duplicate copy to the environmental expert.

(2) In the case of a defaced document, the environmental expert shall surrender it to the Registrar together with the notification letter prior to the issuance of a duplicate copy.

(3) Where a lost document is recovered after a duplicate has been issued, the original shall be returned to the Registrar and the fee paid for the duplicate shall not be refunded.

Access to
information

50. Members of the public may, subject to the payment of the prescribed fee, apply for search of entries in the register of environmental experts to the Registrar by fill in Form No. 10 as set out in the First Schedule to these Regulations.

Savings

51.-(1) All environmental experts registered before coming into operation of these Regulations shall be deemed to have been registered under these Regulations.

(2) Subject to subregulation (1), the Registrar shall re-categorize all registered environmental experts in accordance with the requirements of these Regulations;

Provided that, the Registrar shall ensure that any outstanding registration fee or annual fee is paid as appropriate, before re-categorization and issuance of practicing certificate.

Revocation
GN. No.
348 of 2005

52. The Environmental Management (Registration of Environmental Experts) Regulations, 2005 are hereby revoked.

SCHEDULES

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FIRST SCHEDULE

FORMS

FORM NO. 1

(Made under regulation 18(1))

APPLICATION FOR REGISTRATION AS AN ENVIRONMENTAL EXPERT

PART A
DETAILS OF THE APPLICANT

1. Name of Applicant:
2. Address:
3. National ID:
4. Telephone No:
5. Fax No:.....
6. E-Mail:
7. TIN certificate No. *(attach certified copy)*:
8. Business license No. *(attach certified copy) (if available)*
.....
9. Environmental Certification applying for *(EIA or EA)*:
.....
10. State areas of your expertise.....
11. Academic and professional qualification *(Attach personal CV, certified copies of academic certificates, awards, membership)*
.....
.....
12. Field report *(including endorsement letter)*
.....

PART B
DECLARATION BY THE APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....
Full Name in Block letters

.....
Signature of Applicant

PART C
FOR OFFICIAL USE ONLY

Approved/Not approved

Reasons for disapproval (*If not Approved*)

.....
.....
.....

Registrar:.....Signature:

Date:

Important notes:

Please submit the following:

- (a) application form in triplicate; and
- (b) evidence of payment of prescribed fees;

To:

- The Registrar,
- The National Environment Management Council.

Application Reference No.:.....

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FORM NO. 2

(Made under regulation 19(1))

APPLICATION FOR REGISTRATION OF A FIRM OF ENVIRONMENTAL EXPERTS

PART A
DETAILS OF THE APPLICANT

1. Name of Applicant:
2. Business license: *(attach certified copy)*
.....
3. Certificate of Incorporation No: *(attach certified copy)*.....
4. TIN certificate No: *(attach certified copy)*
.....
5. National ID No. *(Lead Experts)* *(attach certified copies)*.....
6. Registration Certificates No. *(Lead Experts)* *(attach copies of certificates)*.....
7. Address:
8. Telephone: Fax No:
9. E-Mail:
10. Environmental Certification applying for *(EIA or EA)*:
.....
11. Area (s) of expertise *(e.g.: marine science, tourism, agriculture)*.....
12. Academic and professional qualification *(Attach personal CV and certified copies of academic certificates of at least 2 registered lead experts with valid practicing certificates and employment contracts of other specialists affiliated with the firm)*
.....
.....
.....

PART B
DECLARATION BY APPLICANTS AS FIRM OF ENVIRONMENTAL EXPERT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

1.	
2.	
<i>Full Name in Block letters</i>	<i>Signature</i>
<i>Position</i>	

On behalf of	
<i>Name of the Firm and Seal</i>	<i>Date</i>

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

PART C
FOR OFFICIAL USE ONLY

Approved/Not approved

.....

Reasons for disapproval (*If not Approved*)

.....

.....

.....

.....

.....

Registrar..... Signature..... Date.....

Important notes:

Please submit the following:

- (a) application form in triplicate;
- (b) Curriculum vitae of the lead experts and other specialists; and
- (c) a proof of payment of prescribed fees;

To:

- The Registrar,
- The National Environment Management Council.

Application Reference No.:.....

FORM NO. 3

(Made under regulation 23(1))

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

CERTIFICATE OF REGISTRATION

Expert/Firm Registration No.

This is to certify that M/S..... of
..... (*Address*) has been registered as an
Environmental Expert/ Environmental Auditor (*delete whichever inapplicable*) in
category..... (*whether Graduate, Professional or Consulting*
Environmental Expert for individual experts) (*Category III, II or I for firms*).

M/S..... has been certified in the
following fields:

.....
.....
.....
.....

Dated thisday of 20.....

Signature

The Registrar

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FORM NO. 4

(Made under regulation 25(1))

APPLICATION FOR PRACTICING CERTIFICATE FOR AN ENVIRONMENTAL EXPERT

PART A
DETAILS OF THE APPLICANT

Name of Applicant:
Business License No: *(attach certified copy)*.....
Expert Certificate Registration No. *(attach certified copy)*.....
Professional Association Membership ID No. *(attach certified copy)*.....
TIN Certificate No: *(attach certified copy)*.....
National ID *(attach certified copy)*.....
Address:
Telephone:
Fax No:
E-Mail:
Environmental Practice Applying for: *(EIA/EA)*.....
Category applying for: *(graduate, professional, consulting)*
.....

PART B
DECLARATION BY THE APPLICANT ENVIRONMENTAL EXPERT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

..... <i>Full Name in Block letters</i>	 <i>Signature of Applicant</i>
--	--

PART C
FOR OFFICIAL USE ONLY

Approved/Not approved

.....

Reasons for disapproval (*If not approved*)

.....

.....

Registrar..... Signature.....

Date.....

Important notes:

Please submit the following:

- a) Application form in duplicate; and
- b) the prescribed fees:

I

-The Registrar,

-The National Environment Management Council.

Application Reference No.....

Registration No.....

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FORM NO. 5

(Made under regulation 26(1))

APPLICATION FOR PRACTICING CERTIFICATE FOR A FIRM OF ENVIRONMENTAL EXPERTS

PART A
DETAILS OF THE APPLICANT

1. Name of Applicant:
2. Business License No: *(attach certified copy)*
3. Certificate of Incorporation No: *(attach certified copy)*
4. Expert Registration Certificate No: *(attach copies of valid practicing certificates)*
5. Practicing Certificate No.: *(attach copies of valid practicing certificates)*
6. TIN Certificate No: *(attach certified copy)*
7. National ID of lead registered environmental experts *(attach certified copies)*
8. Address:
9. Telephone: Fax No:
10. E-Mail:
1. Environmental Practice Applying for: *(EIA/EA)*
2. Category applying for: *(Category III, II or I)*

PART B
DECLARATION BY THE APPLICANT ENVIRONMENTAL EXPERT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

1.
2.

Full Name in Block letters

Signature

Position

On behalf of

Name of the Firm and Seal

.....

Date

PART C
FOR OFFICIAL USE ONLY

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

Approved/Not approved

.....

Reasons for disapproval(*If not Approved*)

.....
.....
.....

Registrar.....

Signature.....

Date.....

Important notes:

Please submit the following:

- (a) Application form in duplicate;
- (b) Curriculum vitae of the applicants; and
- (c) the prescribed fees:

To:

The Registrar,
The National Environment Management Council.

Application Reference

No.....

Registration

No.....

- *Fill in the relevant part*

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FORM NO. 6

(Made under regulations 27(1) and 30)

PRACTICING CERTIFICATE

Expert/Firm Practicing Certificate No.

This is to certify that M/S of
(address) has been granted a Practicing Certificate to practice as an Environmental Expert/
Environmental Auditor (*Delete Whichever inapplicable*) in category
..... (whether Graduate, Professional or Consulting for an
individual expert)(Category III, II or I for a firm).

M/S shall
provide expertise in the following field(s):

.....
.....
.....

This Certificate shall be valid for period of three years from the date of issuance.

Issued this day of 20.....

Signature and official seal of the Council.....

The Registrar

(Made under regulation 29)

APPLICATION FOR RENEWAL OF A PRACTICING CERTIFICATE

PART A
DETAILS OF THE APPLICANT

Name of Applicant/Firm:

.....

Business License No: (attach certified

copy).....

Expert Registration Certificate(s) No. (attach

copy).....

Previous Practicing Certificate No. (submit the original copy)

TIN Certificate No: (attach certified

copy).....

Tax Clearance Certificate (attach certified

copy).....

National ID of Applicant/Lead Experts of the Firm (attach certified

copy).....

Employment Contract of Specialists (attach copies) (where applicable).....

Address:

.....

Telephone:Fax

No:.....

E-mail:

.....

...

Environmental Practice Applying for:

(EIA/EA).....

Category applying for: (Graduate, Professional or Consulting for an individual expert or Category III, II or I for a Firm)

Evidence of 10 Points of Continuous Professional Development (attach copy from the professional association of environmental experts).....

PART B

**DECLARATION BY THE APPLICANT ENVIRONMENTAL EXPERT
(FOR INDIVIDUAL)**

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....
.....

Applicant *Full Name in Block letters* *Signature of*

Date.....

(FOR THE FIRM)

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....
.....

Full Name in Block letters *Signature* *Position*

On behalf of.....
Name of the Firm and seal *Date*

PART C
FOR OFFICIAL USE ONLY

Approved/Not approved

.....

Reasons for disapproval (*If not Approved*)

.....

.....

Registrar.....

Signature.....

Date.....

Important notes:

Please submit the following:

Application form in duplicate;

Curriculum vitae of the applicant(s); and

the prescribed fees:

To:

-The Registrar,

-The National Environment Management Council.

Application Reference No.....

Registration No.....

Fill in the relevant part

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FORM NO. 8

(Made under regulation 33(1))

APPLICATION FOR PRACTICING PERMIT AS FOREIGN ENVIRONMENTAL EXPERT

PART A
DETAILS OF THE APPLICANT

Name of Applicant:.....
Telephone No:Fax No:
E-Mail:.....
TIN Certificate No.: *(attach a certified copy)*.....
Expert Registration Certificate Outside Tanzania *(attach a certified copy)*.....
Nationality Passport No.
Work Permit *(attach a certified copy)*.....
Name and address of the Proponent/Developer.....
Letter of Introduction from the Developer/Proponent *(attach original letter)*.....
Description of the Project applying for
.....
.....
.....
Academic and professional qualification accredited by Tanzania Commission of Universities, TCU *(Attach personal CV, related academic certificates, awards, memberships)*
.....
.....
Experience in environmental assessment related activities *(attach two recent abstracts)*.
.....
.....
Previous registration in Tanzania *(if applicable)* No.: *(attach a certified copy)*.....

PART B
DECLARATION BY APPLICANTS AS AN ENVIRONMENTAL EXPERT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....		
<i>Full Name in Block letters</i>	<i>Signature</i>	<i>Date</i>

PART C
FOR OFFICIAL USE ONLY

Approved/Not approved

Reasons for disapproval (*If not Approved*)

.....
.....
.....

Registrar.....

Signature.....

Date.....

Important notes:

Please submit the following:
application form in duplicate; and
the prescribed fees;

To:

-The Registrar,

-The National Environment Management Council.

Application Reference

No.....

Registration

No.....

FORM NO. 9

(Made under regulation 34(1))

APPLICATION FOR PRACTICING PERMIT AS A FOREIGN FIRM OF
ENVIRONMENTAL EXPERTS

PART A
DETAILS OF THE APPLICANT

1. Name of Firm:.....
2. Telephone No:Fax No:
3. E-Mail:.....
4. Registration Certificate of the Firm Outside Tanzania (*attach a certified copy*).....
5. Country of Registration
.....
6. Business License (where applicable)(*attach a certified copy*).....
7. Work Permits: (*attach copies*).....
8. TIN Certificate. (*attach a certified copy*).....
9. Description of the Project applying for
.....
.....
.....
10. Academic and professional qualification accredited by Tanzania Commission of Universities (*Attach personal CV and certified academic certificates*)
.....
.....
11. Experience in environmental assessment related activities(*attach abstracts of at least three projects of similar nature undertaken for the last three years*)
.....
.....
.....
12. Environmental Permit applying for (*EIA or EA*):
.....
13. Previous Permit and date granted (*where applicable*):
.....
.....

PART B
DECLARATION BY APPLICANTS AS FIRM OF ENVIRONMENTAL EXPERT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

1.
.....

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

2.
Full Name in Block letters Signature Position

On behalf of.....
Name of the Firm and seal Date

PART C
FOR OFFICIAL USE ONLY

Approved/Not approved

Reasons for disapproval (*If not Approved*)
.....
.....
.....

Registrar.....

Signature..... Date.....

Important notes:

Please submit the following:

- (a) application form in triplicate;
- (b) Curriculum vitae of the Experts; and
- (c) the prescribed fees;

To:

- The Registrar,
- The National Environment Management Council.

Application Reference No.....

Registration No.....

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

FORM NO. 10

(Made under regulation 50)

APPLICATION FOR ACCESS TO INFORMATION

PART A
DETAILS OF APPLICANT

1. Name:
2. Address:
3. Telephone: Fax:
4. Email:
5. Date:

6. NAME OF EMPLOYER: (*where applicable*).....
7. Address.....
8. Telephone.....
Fax.....
9. E-mail.....
10. Designation of the Applicant.....

PART B
INFORMATION REQUIRED (*tick as appropriate*)

- ☐ Environmental Impact Assessment Experts (Individuals)
- ☐ Environmental Impact Assessment Experts (Firms)
- ☐ Records of Certificates of Registration and their Renewal

11. State the use/purpose of the information required:

.....

.....

.....

Important note:

- A prescribed fee of Tshs.....will be charged for access of information per record/register.

Environmental Management (Registration and Practice of Environmental Experts)

GN. NO. 267 (Contd.)

SECOND SCHEDULE

(Made under regulation 36)

REGISTER OF ENVIRONMENTAL EXPERTS/FIRM

Name	Certificate of Registration No.	Date of Issue	Certificate of Practice No.	Date of issue	Contact address	Area of assessment study (EIA/E A)	Category (graduate/professional/consulting or Category	Area(s) of Expertise (e.g. Mining, irrigation)	Signature of filling Officer

THIRD SCHEDULE

(Made under regulation 37(1))

CODE OF CONDUCT AND PROFESSIONAL ETHICS

PART I
CODE OF CONDUCT

1. Preamble

Sustaining the viability of the environment is a broad responsibility for all citizens. In recognition of this societal obligation, environmental experts should take an active and supportive role to facilitate society in addressing existing and future environmental challenges.

Environmental experts capitalize technical knowledge and professional understanding in accomplishing their work that ultimately contribute in enhancing national economy, with due regard to sustainable development. Indeed, environmental management profession has a direct and substantial impact on the quality of life for all. Consequently, integrity and ethical standards ought to be a keystone in their professional conduct and discharge of duties. Environmental experts are therefore bound to apply their knowledge and practice with due diligence, fairness and impartiality to all, for the benefit of mankind and the environment.

2. Objectives

The objectives of this Code shall be to-

- (a) set out the minimum levels of professional conduct required to be met by an environmental expert in Tanzania so that they can carry out their roles within a framework of integrity, consistence and competency; and
- (b) promote and support an ethical culture among environmental experts.

3. Application

This Code shall apply to-

- (a) all registered and certified environmental experts; and
- (b) all registered and certified firms of environmental experts.

4. General Professional Obligations

4.1 Bring knowledge, skill, judgment and care to the task

(1) An environmental expert shall bring to the professional task knowledge, skill, judgment and care that are of a standard which might reasonably be expected by the public or the environmental expert's professional peers.

(2) In considering the appropriate standards, environmental experts shall have regard to the profession and performance standards.

4.2 Not engage in professional misconduct, or fraudulent or dishonest behaviour

An environmental expert shall not-

- (a) engage in professional misconduct; or
- (b) engage in fraudulent or dishonest behaviour in the professional practice.

4.3 Communicate with fairness, honesty and adequate knowledge

An environmental expert shall, both orally and in writing, express opinions, make statements, and give evidence with fairness, honesty, and only on the basis of adequate knowledge.

4.4 Not promise, accept or give inducements

An environmental expert shall not-

- (a) promise to give or give to any person anything intended to improperly influence that person's decisions as they relate to his services or to secure work; or
- (b) accept from any person anything intended to improperly influence his decisions.

4.5 Work within area of competence and not misrepresent competence

An environmental expert shall-

- (a) provide professional services only within their area of competence;
- (b) not misrepresent their competence;
- (c) not permit those who work under their supervision to breach paragraph (a) or paragraph (b);
- (d) recognize where other professional advice is required and either seek it or recommend to an employer and/or client to seek such expert advice in appropriate areas.

4.6 Supervision

When environmental expert supervises a person in the carrying out of professional services, he shall-

- (a) be competent in and have sufficient knowledge of the professional services carried out;
- (b) have sufficient control over any outputs of the professional services to reasonably form the view that the standard of the professional services is that to be expected of the environmental expert; and
- (c) take full professional responsibility for the professional services provided by the supervised person.

4.7 Continue to develop knowledge, skills, and expertise

An environmental expert shall-

- (a) continue to develop relevant knowledge, skills, competence and expertise throughout their careers, especially in their area(s) of expertise;
- (b) assist and encourage those with whom they are associated to do likewise; and
- (c) ensure that they have documented their CPD activities which can be used to verify that they meet certain minimum criteria in respect of CPD of the relevant assessment entity.

5. Obligations to Clients and/or Employers

5.1 Truth and objectivity

An environmental expert shall act truthfully and objectively, and not knowingly mislead clients, employers or the public in the provision of information, opinions, statements and evidence, nor knowingly misrepresent a situation.

5.2 Where professional services are provided

- (a) if an environmental expert claims, or holds out, or is held out as providing professional services at a place, the environmental expert shall ensure they are at the place timely to provide the services; and
- (b) if professional services are performed at another office, a temporary office or by an unsupervised person, the environmental expert at the place shall accept responsibility for the professional services performed.

5.3 Providing information (including correspondence and advertising) about an environmental experts

An environmental expert offering or taking responsibility for a professional service shall take reasonable steps to-

- (a) advise clients of their name and contact details;
- (b) if another environmental expert becomes responsible for the professional service, advise clients of their name and contact details; and
- (c) if third party experts are used to provide advice or assistance to inform the expert of their role, advise the client of their names, contact details and credentials to provide advice.

5.4 Inform client or employer of consequences of disregarded advice

An environmental expert shall take reasonable steps to make clients or employers aware of professional concerns regarding particular actions or projects and of the likely consequences if professional advice, decisions, or judgments are overruled or disregarded.

5.5 Disclose actual and potential conflicts of interest

(1) An environmental expert shall disclose any actual or possible conflict of interest to a client or employer upon discovery of that actual or possible conflict of interest.

(2) Conflicts of interest includes any financial or other interest that is likely to, or may reasonably be perceived to, affect the environmental expert's judgment on any professional services carried out for that client or employer.

5.6 Not disclose or misuse confidential information

(1) An environmental expert shall not disclose confidential information of an employer or client without the agreement of that client or employer except if-

- (a) the failure to disclose information would place the health or safety of people at significant or immediate risk; or
- (b) the environmental expert is required or entitled by law to disclose that information.

(2) An environmental expert who obtains another person's confidential information in connection with one purpose in the course of professional services shall not use that information for another purpose without the agreement of that person.

6. Obligations to society

6.1 Social, environmental, economic and other possible consequences

An environmental expert shall take reasonable steps to be informed, and to inform clients and employers, of the social, environmental, economic, and other possible consequences that might arise from professional services.

6.2 Honesty, integrity, fairness and without discrimination

An environmental expert shall act with honesty, integrity, fairness, without unjustified discrimination and with due respect for the rights of others and written laws in which professional services are provided.

6.3 Health, welfare and public safety

An environmental expert shall take reasonable steps to safeguard the health, welfare, and the safety of the public including-

- (a) identifying hazards;
- (b) assessing micro and macro risks; and
- (c) implementing appropriate controls to manage risk.

6.4 Effects on the natural environment

An environmental expert shall-

- (a) have regard to reasonably foreseeable effects of professional services on the natural environment; and
- (b) take reasonable steps to reduce reasonably foreseeable adverse effects of professional services on the natural environment.

PART II

PROFESSIONAL OF ETHICS

7. Use of principles of sustainable development

An environmental expert shall carry out his professional activities, as far as possible, in accordance with the principles of sustainable development and the highest standards of environmental protection and in compliance with relevant laws, including, the Environmental Management Act, 2004 and the Regulations made under it.

8. Protection of the integrity of the environment

An environmental expert shall at all times place the integrity of the environment including conservation and sustainable use of the biophysical environment to address poverty and the social welfare, health and safety aspects of the socio-economic environment, above any commitment to private interest.

9. Promotion of environmental consideration

An environmental expert shall promote the incorporation of environmental considerations from the earliest stages of project design or development.

10. Separation of facts and opinions

An environmental expert shall, clearly, differentiate between facts and opinions in his work.

11. Advancement in knowledge by expert

An environmental expert shall, to the best of his ability, keep informed of advances in environmental impact assessment practice or environmental audit practice and shall integrate such knowledge in his professional activities.

12. Misrepresentation of qualifications

An environmental expert shall not misrepresent or allow or permit misrepresentation of his own or associates' academic or professional qualifications nor exaggerate his degree of responsibility of any work of a professional nature.

13. Professional conduct of environmental expert

(1) An environmental expert shall conduct his work in accordance with these Regulations and code of ethics of the profession to which he belongs.

(2) An environmental expert shall conduct his profession in accordance with the best available practice, taking into account advancement in science and technology.

(3) An environmental expert shall act professionally, accurately, truthfully, and in unbiased manner.

14. Adequacy of information

An environmental expert shall not intentionally communicate inadequate, false or misleading information that may compromise the integrity of any assessment or audit or the approval process.

15. Responsibility to the law and to the profession

(1) An environmental expert shall abide by the laws of Tanzania, uphold the code of conduct, honour his profession and adhere to ethical principles.

(2) An environmental expert shall strive to enhance the profession of environmental experts.

16. Integrity to the Committee

An environmental expert shall not act in any way that is likely to prejudice the reputation of the committee and its functions.

17. Responsibility to the public

An environmental expert shall ensure that no action or omission on his part or within his sphere of responsibility is detrimental to the interest, condition or safety of the public and the environment.

18. Professionalism

An environmental expert shall not undertake or accept any work beyond his qualifications.

19. Unqualified persons

An environmental expert shall not allow any person to practice in his name.

20. Signing of the statement of the study or report

(1) An environmental expert shall not sign or put his name to an environmental impact statement or audit report that is not prepared by him, or by staff under his supervision.

(2) An environmental expert shall not sign or put his name to an environmental impact statement or audit that contains false information.

21. Breach of terms

An environmental expert shall not breach the terms of his contract with the developer, owner or operator.

22. Illegal activities

An environmental expert shall not engage in activities that bring discredit to his profession or to the delivery of an environmental impact study or audit study and shall expose without fear or favour all those engaged in illegal or unethical conduct.

23. Advertising

An environmental expert shall not, directly or indirectly, apply or seek instruction for professional business or, in carrying out of his practice, do or permit any act or thing which can be reasonably regarded as advertising and shall not entice the developer, owners or operators from other environmental experts.

24. Disclosure of conflicting interest

An environmental expert shall not give an opinion on an environmental impact study or audit study in which he has substantial interest, unless he discloses the nature of the interest when expressing his opinion.

25. Confidentiality

(1) An environmental expert shall not disclose classified information acquired in the course of his professional engagement to any person other than the developer, owner, operator or the Council without the consent of the developer, owner, operator or the Council.

(2) In the case of an environmental audit, an environmental auditor shall not disclose any information relating to audit without prior written approval from the owner or operator of the audited facility, or the auditing organization, unless required by the law.

26. Exploitation

An environmental expert shall not exploit the lack of experience, lack of understanding, illiteracy or other personal shortcomings of a developer, owner or operator or the public for his personal benefit or benefit of any other person.

27. Undue advantages

(1) An environmental expert shall not accept any instructions which involves the giving or receiving of discount or commission, or accept any form of bribe, gift, from the sector Ministry or Department, the private sector, non- governmental organizations and the public, or any other person.

(2) An environmental expert shall not accept any, commission, gift, or other inducement from the owner or the operator, or employee or agent of the operator or owner or any other interested party when carrying out environmental audit or allow any person to do so.

28. Competing or conflicting interest

An environmental expert shall not represent conflicting or competing interest and shall disclose to any client or employer any relationship that may influence his judgment prior to the carrying out of work.

Dodoma
8th March, 2021

UMMY A. MWALIMU
Minister of State, Vice-President's Office
(Union Matters and Environment)