

SUBSIDIARY LEGISLATION

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

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THE ENVIRONMENT MANAGEMENT ACT,
(CAP. 191)

REGULATIONS

(Made under section 230 (2) (f))

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

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|--|
| Citation | 1. These Regulations may be cited as the Environmental Management (Prohibition of Manufacturing, Importation and Use of Plastic Sachets for Packaging Distilled and other Alcoholic Beverages) Regulations, 2017, and shall come into force on the 1 st day of Mach, 2017. |
| Application | 2. These Regulations shall apply to the manufacturing, importation and use of plastic sachets for packing distilled and other alcoholic beverages. |
| Interpretation | 3. In these Regulations, unless the context otherwise requires- |
| Cap 191 | “Act” means the Environmental Management Act;
“Council” means the National Environment Management Council established under the Act;
“Director of Environment” means the Director of Environment appointed under section 14 of the Act;
“Environment Management Officer” means an officer appointed under or designated to, pursuant to sections 36 or 39 of the Act; |

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).

“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

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(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