

GOVERNMENT NOTICE No. 291 published on 6/5/2022

THE ENVIRONMENTAL MANAGEMENT ACT,  
(CAP. 191)

**REGULATIONS**

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

THE ENVIRONMENTAL MANAGEMENT (PROHIBITION OF PLASTIC CARRIER BAGS  
AND PLASTIC BOTTLE CAP SEALS) REGULATIONS, 2022

ARRANGEMENT OF REGULATIONS

*Regulation Title*

PART I  
PRELIMINARY PROVISIONS

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

PART II  
OBJECTIVES

4. Objectives.

PART III  
PROHIBITION OF PLASTIC CARRIER BAGS AND PLASTIC  
BOTTLE CAP SEALS

5. Prohibition of plastic carrier bags.
6. Prohibition of plastic bottle cap seals.
7. Prohibition of plastic wrappings.
8. Prohibition of new licenses.

9. Offences and penalties.

PART IV  
EXEMPTIONS

10. Exemption of plastic packaging.
11. Management of waste exempted plastic packaging.
12. Quality standards of exempted plastic packaging.
13. Duty to manage plastic wrappings.

PART V  
COMPLIANCE AND ENFORCEMENT

14. Powers of Minister.
15. Roles of local government authorities.
16. Responsibilities of ministry responsible for trade and industries.
17. Responsibilities of Council.
18. Responsibilities of Tanzania Revenue Authority.
19. Responsibilities of Tanzania Ports Authority.
20. Responsibilities of Tanzania Airports Authority.
21. Responsibilities of Tanzania Medical and Devices Authority.
22. Responsibilities of Tanzania Police Force.
23. Responsibilities of Government Chemist Laboratory Authority.
24. Responsibilities of Tanzania Bureau of Standards.
25. Responsibilities of Immigration Department.
26. Powers of environmental inspectors.

PART VI  
GENERAL PROVISIONS

27. Repatriation of plastic carrier bags.
28. Confiscation and disposal of plastic carrier bags.
29. Mandatory take-back of waste plastic bottles.
30. Compounding of offences.
31. Orders of court.
32. Appeals to Minister.
33. Appeals to Tribunal.
34. Revocation.

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PART I  
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Environmental Management (Prohibition of Plastic Carrier Bags and Plastic Bottle Cap Seals) Regulations, 2022.
- Application 2. These Regulations shall apply to-
- (a) the import, export, manufacturing, sale, supply, storage and use of plastic carrier bags within Mainland Tanzania; and
  - (b) the import, export, manufacturing, sale and use beverages with plastic bottle cap seal.
- Interpretation 3. In these Regulations, unless the context otherwise requires-
- Cap. 191 “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 environment;
- “plastic bottle cap seal” means a seal made of plastic materials used to cover bottle cap;
- “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 for selling 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 for 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 complimentary 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 designed solely for collecting and handling of solid waste with a minimum thickness and size to be prescribed by order of the Minister.

## PART II OBJECTIVES

### Objectives

4. The objectives of these Regulations are to-
  - (a) impose a total ban on the import, export, manufacturing, sell or offer for sale and use of plastic carrier bags regardless of their thickness;
  - (b) impose a total ban on the import, export, manufacturing, sale and use beverages with plastic bottle cap seal;
  - (c) protect human and animal health as well as the environment from likely adverse effects of utilization of plastic carrier bags, or plastic bottle cap seals; and
  - (d) provide economic and financial incentives for the production and importation of alternative carrier bags.

**PART III  
PROHIBITION OF PLASTIC CARRIER BAGS AND  
PLASTIC BOTTLE CAP SEALS**

Prohibition of plastic carrier bags

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

Prohibition of plastic bottle cap seals

6. A person shall not import, export, manufacture, store, distribute, supply, sell or offer for sale beverages with plastic bottle cap seals.

Prohibition of plastic wrappings

7. A person shall not sell or offer for sale beverages or commodities wrapped in plastic unless the nature of such commodities requires wrappings by plastics.

Prohibition of new licenses

8. Licensing authority shall not register or issue a license or permit to any person intending to import, export, manufacture, distribute or sell plastic carrier bags or beverages with plastic bottle cap seals that have been prohibited by these Regulations.

Offences and penalties

9.-(1) Any person who imports, exports, manufacturers, sells, stores, distributes, supplies, possesses or uses plastic carrier bags and plastic wrappings in contravention to these Regulations commits an offence.

(2) Any person who imports, exports, manufactures, stores, distributes, supplies, sells or offer for sale beverages with plastic seals in contravention to these Regulations commits an offence.

(3) A person who commits an offence under this regulation 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 shillings or to imprisonment for a term not exceeding two year or to both;
- (b) exportation, to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a term not exceeding two years or to both;
- (c) storing, supplying or distributing, to a fine of not less than five million shillings but not exceeding fifty million shillings or to imprisonment for a term not exceeding two years or to both;
- (d) selling or offer for sale, 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; or
- (e) possessing or using, to a fine of not less than thirty thousand shillings but no exceeding two hundred thousand shillings or to imprisonment for a term not exceeding seven days or to both.

#### PART IV EXEMPTIONS

Exemption of plastic packaging

10. 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.

Management of waste exempted plastic packaging

11. Any person who imports, exports, manufactures, sells, stores, distributes, supplies, possesses or uses plastic packaging exempted under these Regulations shall ensure that the waste

*GN. No.291 (Contd.)*

GN. Nos.  
263 of 2009  
389 of 2021

exempted plastic packaging are managed and disposed of in accordance with the Environmental Management (Solid Waste Management) Regulations, 2009 and the Environmental Management (Hazardous Waste Control and Management) Regulations, 2021.

Quality standards of exempted plastic packaging

12.-(1) Any person who imports, exports or manufactures plastic packaging which are exempted under 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.

Duty to manage plastic wrappings

13. Subject to regulation 7, any person who imports, manufactures, suppliers or sells commodities wrapped in plastic shall ensure that waste plastic wrappings are managed or disposed of in accordance with the Environmental Management (Solid Waste Management) Regulations, 2009.

GN. No.  
263 of 2009

#### PART V COMPLIANCE AND ENFORCEMENT

Powers of Minister

14.-(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 subregulation (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; and
- (b) appoint or designate environmental inspectors at all custom entry points to

- Roles of local government authorities  
GN. No. 263 of 2009
- ensure compliance and enforcement of these Regulations.
15. Local government authorities shall, in addition to their roles and functions on waste management provided for in the Act and in the Environmental (Solid Waste Management) Regulations-
- (a) be responsible for ensuring compliance and enforcement of these Regulations;
  - (b) conduct public education and awareness programs on the implementation of these Regulations; and
  - (c) prepare and submit bi-annual report on implementation of these Regulations to the Director of Environment.
- Responsibilities of ministry responsible for trade and industries
16. The ministry responsible for trade and industries shall be responsible for-
- (a) promotion of investment opportunities on biodegradable packaging for exempted plastic packaging under these Regulations;
  - (b) promotion of the use of biodegradable packages for food processing and industrial products;
  - (c) in corroboration with the Council, conducting public education and awareness programs on implementation of these Regulations;
  - (d) promoting environmentally friendly technologies on production of products which are exempted under these Regulation; and
  - (e) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.
- Responsibilities of Council
17. The Council shall be responsible for-
- (a) ensuring compliance and enforcement of these Regulations;

- (b) conducting research on biodegradable packages and raw materials; and
- (c) conducting public awareness on the implementation of these Regulations.

Responsibilities of  
Tanzania Revenue  
Authority

18. The Tanzania Revenue Authority shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations;
- (b) provision of electronic stamp on manufactured, imported or exported of exempted plastic products in accordance with Electronic Tax Stamps Regulations, 2018; and
- (c) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment; and
- (d) in collaboration with the council, conducting public awareness on the implementation of these Regulations.

GN. No.  
16 of 2018

Responsibilities of  
Tanzania Ports  
Authority

19. The Tanzania Ports Authority shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations at all ports and harbours;
- (b) in collaboration with the Council, conducting public education and awareness programs on the implementations of these Regulations to shipping companies and importers;
- (c) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

Responsibilities of  
Tanzania Airports  
Authority

20. The Tanzania Airports Authority shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations at all Airports;
- (b) in collaboration with the Council,

conducting public education and awareness programs on the implementations of these Regulations to airline companies, passengers and other Airport users; and

- (c) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

Responsibilities of  
Tanzania Medical  
and Devices  
Authority

21. The Tanzania Medical and Devices Authority shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations;
- (b) promote the use of biodegradable packages for medical services;
- (c) in collaboration with the council, conducting public education and awareness programs on the implementation of these Regulations to manufacturers and importers of medical devices; and
- (d) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

Responsibilities of  
Tanzania Police  
Force

22. The Tanzania Police Force shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations;
- (b) in collaboration with the council, conducting public education and awareness programs on the implementation of these Regulations to passengers, bus owners and bus terminals; and
- (c) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

*GN. No.291 (Contd.)*

Responsibilities of  
Government Chemist  
Laboratory Authority

23. The Government Chemist Laboratory Authority shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations;
- (b) in collaboration with the Council, conducting public awareness on the implementations of these Regulations to importers of raw materials intended for manufacturing of exempted plastic packages controlled under these Regulations;
- (c) conducting research on biodegradable packages; and
- (d) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

Responsibilities of  
Tanzania Bureau of  
Standards

24. The Tanzania Bureau of Standards shall be responsible for-

- (a) formulation of standards for biodegradable and exempted plastic packages controlled under these Regulations;
- (b) ensuring compliance and enforcement of these Regulations;
- (c) in collaboration with the Council, conducting public education and awareness programs on the implementation of these Regulations; and
- (d) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

Responsibilities of  
Immigration  
Department

25. The Immigration Department shall be responsible for-

- (a) ensuring compliance and enforcement of these Regulations at all borders posts;
- (b) in collaboration with the Council, conducting public awareness on the

- implementation of these Regulations to persons entering into the country; and
- (c) preparing and submitting bi-annual report on implementation of these Regulations to the Director of Environment.

Powers of environmental inspectors

26. The environment 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

Repatriation of plastic carrier bags

27. 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.

Confiscation and disposal of plastic carrier bags

28.-(1) Without prejudice to the provisions of regulation 27, 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 Mainland Tanzania 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.

Mandatory take back of waste plastic bottles

29. Without prejudice to the provision of regulation 5, any manufacturer or suppliers of products contained in plastic bottles shall set-up, operate or participate in a take-back system of collecting their respective waste plastic bottles for

*Environmental Management (Prohibition of Plastic Carrier Bags and Plastic Bottle Cap Seals)*

*GN. No.291 (Contd.)*

recycling or disposal purposes, provided that no additional price is chargeable for that service.

Compounding of offences

30. The Director General or an environment 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 in accordance with the provisions of the Act.

Orders of court

31. 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.

Appeals to Minister

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

Appeal to Tribunal

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

Revocation  
GN. No.  
394 of 2019

34. The Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019 are hereby revoked.

Dodoma,  
25<sup>th</sup> March, 2022

SELEMANI SAIDI JAFO,  
*Minister of State,  
Vice President's Office Union Affairs and  
Environment*