



LEGAL ALERT:

BAN OF THE PLASTIC CARRIER BAGS IN TANZANIA

In the efforts of protection of environment against non-biodegradable plastic waste/pollution, Tanzania, through the Office of the Vice President, has enforced a total ban of single-use plastic carrier bags.

On 17th May 2019, the Environment Management (Prohibition of Plastic Carrier Bags) Regulations, 2019 were gazetted under Government Notice No. 394 of 2019 to legally enforce the ban, which came into force on 1st June 2019.

The ban applies to usage, supply, sale, manufacturing, importation, storage and exportation of plastic carrier bags by companies/industries and individuals, including citizens and non-citizens in Tanzania Mainland.

The plastic carrier-bags referred to under the law includes any plastic film-made bag with or without handles or supports/gussets regardless of their thickness except plastic or plastic packaging for medical services, industrial products, construction industry, agricultural sector, food processing or sanitary and waste management. The later are legally exempted on condition that the packaging meets the quality standards prescribed by the Tanzania Bureau of Standards and are managed and disposed of in accordance with the Environmental Management (Hazardous Waste Control and Management) Regulations, GN No. 263 of 2009.

The ban extends to plastic wrappings unless the nature of a wrapped product requires plastic wrapping. On that note, travellers who normally prefer to wrap their luggage/bags while in transit should be aware when planning to travel to Tanzania.

Any contravention of the Regulations is an offence which, on conviction, attracts hefty fines and/or imprisonment depending on the group where the offender fall. For manufactures or importers, the minimum fine is Tshs. 20 Million to a maximum of Tshs. 1 Billion and/or imprisonment of a maximum term of 2 years. For exporters, the minimum fine is Tshs. 5 Million to a maximum of Tshs. 20 Million and/or imprisonment of a maximum term of 2 years. For offences related to storage, supply and distribution of the plastic bags, the minimum fine is Tshs. 5 Million to a maximum of Tshs. 50 Million and/or imprisonment of a maximum term of 2 years. For offences related to sale, the minimum fine is Tshs. 100,000/= to a maximum of Tshs. 500,000/= and/or imprisonment of a maximum term of 3 months. For possession or usage of plastic bags, a minimum fine is Tshs. 30,000/= to a maximum of Tshs. 200,000/= and/or imprisonment of a maximum term of 7 days.

In addition to any conviction above, courts are empowered to issue orders directing forfeiture of plastic carrier bags, closure of the production unit, cancellation of licenses or impose community service.

The remedy for any person aggrieved by any decision made under the Regulations, is to appeal to the Minister responsible for matters related to Environment within 30 days of the said decision. If further aggrieved by the decision of the Minister, the person may appeal to the Environmental Appeals Tribunal within 30 days of the said decision. The Tribunal is established under the Environmental Management Act, 2004 with powers to confirm, vary or set aside the decision appealed against or order costs as it deems fit. A party who is aggrieved by the decision of the Tribunal is entitled, within 30 days of the decision, to appeal to the High Court of Tanzania, constituted with a panel of three judges, whose decision shall be final. However, a party is only entitled to appeal on a point of law.

The law provides for an integrated enforcement approach under which the Tanzania Revenue Authority ('TRA'), the Tanzania Ports Authority ('TPA'), the Tanzania Airports Authority ('TAA'), The Police Force, the Tanzania Food and Drugs Authority ('TFDA'), the Chief Government Chemist Laboratory Agency, the Tanzania Bureau of Standards ('TBS'), the Immigration Department, in collaboration with the National Environment Management Council ('NEMC'), in exercise of their statutory obligations, are required to ensure compliance with and enforcement of the Regulations.

The law further provides for designation of environmental inspectors at all customs entry points to ensure compliance and enforcement of the Regulations. Therefore, everyone residing and coming in Tanzania is urged to avoid packing any plastic bags in their belongings whilst or on entry in Tanzania to avoid any inconveniences.

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