

GOVERNMENT NOTICE No. 348 published on 4/11/2005

THE ENVIRONMENTAL MANAGEMENT ACT, 2004

(No. 20 OF 2004)

REGULATIONS

(Made under section 83(2))

THE ENVIRONMENTAL (REGISTRATION OF ENVIRONMENTAL EXPERTS)
REGULATIONS, 2005

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THE ENVIRONMENTAL MANAGEMENT ACT, 2004

(No. 20 of 2004)

REGULATIONS

Made under section 83(2)

THE ENVIRONMENTAL MANAGEMENT OF ENVIRONMENTAL EXPERTS)
REGULATIONS, 2005

PART I

PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Environmental (Registration of Environmental Experts) Regulations, 2005.
- Application 2. These Regulations shall apply to--
- (a) all individual environmental experts; and
 - (b) firms of environmental experts, certified and registered under these Regulations.
- Interpre-
tation
Act
No.20 of
2004 3. In these Regulations, unless the context otherwise requires--
- “Act” means the Environmental Management Act, 2004;
 - “Board” means the Board of Directors of the Council established by the Act;
 - “certification” means the method of assessing or ascertaining the qualification, 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 by Regulation 5;

- “Council” means the National Environmental Management Council (NEMC) established under the Act;
- “developer” or “proponent” means a person who is developing a project or undertaking which is subject to an environmental impact assessment;
- “Environmental Expert” means an individual person or a firm of experts which has requisite qualifications prescribed by these Regulations and duly certified and registered in the Register of Environmental Experts kept and maintained by the Council;
- “firm of environmental experts” means firms registered or constituted under other laws of Tanzania which are registered under these Regulations as firms of environmental experts;
- “environmental impact assessment” means a systematic examination conducted to determine whether or not a project or undertaking have any adverse impact on the environment;
- “environmental impact study” means the study conducted to determine the possible environmental impact of a proposed project;
- “foreign environmental expert” means a certified foreign environmental expert registered under these Regulations to undertake a specific environmental impact assessment study or environmental audit in Tanzania;
- “Minister” means the minister responsible for matters relating to the environment;
- “association” means an association of Environmental Impact Assessors and Auditors;
- “Register” means the Register of Environmental Expert and firms of Environmental Experts duly kept and maintained by the Council; and
- “Registrar” means a public officer designated by the Council to be a Registrar of Environmental Experts and firms of environmental experts.

PART II
OBJECTIVES

4. (1) The object of these Regulations is to Objective
- (a) establish a system for registration of environmental experts;
- (b) provide for a system of nurturing competence, knowledge, professional conduct, consistency, integrity and compliance in the

carrying out of environmental impact studies and environmental audits;

- (c) ensure that the conduct of environmental impact assessments or environmental audits is carried out in an independent, professional, objective and impartial manner; and
- (d) provide for a code of conduct, discipline and control of environmental experts.

(2) For the purpose of systematic nurturing of competence, promotion of knowledge, observance of professional conduct, consistency and integrity of environmental management practice in Tanzania, environmental experts certified and registered in accordance with the provisions of these Regulations may establish professional associations.

(3) The Registrar of Environmental Experts shall keep and maintain a list of names of associations formed in pursuant to sub-regulation (2).

PART III

ESTABLISHMENT OF THE ENVIRONMENTAL EXPERTS ADVISORY COMMITTEE

The
committee
of
environ-
mental
experts

5.-(1) There shall be a committee to be known as the Environmental Experts Advisory Committee.

(2) The Committee shall consist of-

- (a) the Chairman to be appointed by the Minister;
- (b) one person each representing-
 - (i) the Director of Environment;
 - (ii) the Council;
 - (iii) the Director for Human Settlement;
 - (iv) the Director responsible for public health matters in the local government authorities;

(v) one person representing the Ministry responsible for natural resources and tourism;

(c) one person representing the Attorney General;

(d) two persons representing academic or research institutions;

(e) one person nominated by the Tanzania Chambers of Commerce, Industries and Agriculture;

(f) one person nominated by association of the non-governmental Organisations;

(g) one person nominated by private sector; and

(h) one person representing environmental experts, who shall be nominated by a national association of environmental experts; and

(i) the Registrar who shall be the Secretary to the Committee.

(3) The Committee may co-opt any person to attend any of its meetings.

6.-(1) The role of the Committee shall be to-

(a) advise the Council on matters regarding registration, practice and conduct of environmental impact assessors and environmental auditors;

(b) advise the Council on matters regarding establishment, maintenance and monitoring of professional standards for environmental practice;

(c) advise the Council on matters regarding investigation and taking of such disciplinary action as is necessary for ensuring the maintenance of high professional standards, ethics and integrity of environmental experts; and

(d) advise the Council on any other issue relating to environmental practice.

Role of
the
Commit-
tee

Environmental (Registration of Environmental Experts)

G.N. No. 348 (contd.)

(2) The Committee may establish sub-committees and may co-opt other persons as it deems necessary to execute its functions.

Meetings
of the
Committee

7.-(1) The Chairman shall convene and preside at the meetings of the Committee.

(2) The Committee shall meet at least once after every four months; but it may, after approval of not less than two-thirds of the members of the Committee, meet for an extra ordinary meeting if circumstances allow.

(3) A half of members of the Committee shall form a quorum at the meetings of the Committee.

(4) All acts, matters and decisions authorised to be done by the committee shall be determined by resolution by majority of the members present.

(5) Subject to these Regulations, the Committee may regulate the conduct of its meetings and those of its sub-committees.

Report of
the
Committee

8. The Committee shall, once in every six months, make a report to the Council regarding its work and any other related activity.

Tenure of
office

9. A member of the Committee shall hold office for a period of three years and is eligible for re-appointment for one more term.

Cessation
from
office

10.-(1) A member of the Committee shall cease to hold office-

(a) if he resigns;

(b) if he dies;

(c) if the person vacates office or loses membership of the institution which he is representing;

(d) if the person ceases to be an employee of the institution which he represents;

(e) on being declared bankrupt, or convicted of a criminal offence and is sentenced to a term of or more than six months;

- (f) on being found guilty of professional misconduct or breach of the code of conduct or ethics; or
- (g) if he is removed from office for-
 - (i) fraudulent or corrupt practices; or
 - (ii) inability to discharge the duties of the office of a member.

11.-(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.

Disclosure of interest

(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.

12. Without prejudice to any other written law, the Council shall determine the rates of allowance payable to members of the Committee.

Allowances and remuneration

13 All moneys that may become payable to the Council under these Regulations or vested in the Committee in any manner, or in relation to or incidental to the carrying out of its functions including fees paid for registration and penalty shall form part of the National Environment Trust Fund established under section 213 of the Act.

Moneys to form part of National Environmental Trust Fund

PART IV

CERTIFICATE OF ENVIRONMENTAL EXPERTS

14. No person, shall conduct an environmental impact assessment or carry out any activity relating to the conduct of an environmental impact study, or environmental audit as provided for under the Act, unless that person has been duly certified and registered in accordance with these Regulations.

General prohibition

15.-(1) The Council shall not deliberate upon any environmental study, statement or audit unless the persons who have conducted or prepared the study, statement or audit have been duly certified and registered in accordance with these Regulations.

Council not to consider a study by uncertified Expert

Environmental (Registration of Environmental Experts)

G.N. No. 348 (contd.)

(2) For the avoidance of doubt, it is necessary to be a certified or registered environmental expert in the case of preparation or submission of a project brief to the Council.

Application for certification

16.-(1) A person desiring to be certified as an environmental expert shall apply to the Council in the form prescribed in the First Schedule and accompanied by non-refundable fee as may be prescribed by the Council.

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

(3) An application for certification shall be filed with the Registrar.

Qualification for certification

17.-(1) The Council shall not certify a person, as an environmental expert, unless that person-

- (a) possesses at least a first degree in a relevant discipline or its equivalent from a recognised university or institution;
- (b) has provided the names of at least three referees who meet minimum requirements as may be determined by the Council; and
- (c) has not been convicted of a professional or disciplinary offence.

(2) Notwithstanding sub-regulation (1), a person shall be qualified for certification as an environmental expert who possesses requisite qualification stipulated under Regulation 26.

Determination of application for certificate

18. The Council shall consider the application for certification and, within sixty days following the date of submission of the application, shall decide on the matter.

Notification of approval or rejection of application

19.-(1) The Council may, after carrying out investigation and being satisfied the applicant meets conditions prescribed by these regulations within fourteen days after making the decision, notify the applicant that his application has been approved or rejected.

(2) The Council shall issue the applicant with an Environmental Experts Certificate as prescribed in the Second Schedule upon the payment of the fee prescribed by the Council.

(3) A certificate issued under sub-regulation (2) entitles the person holding the certificate to be registered and his name entered in the Register of Environmental Experts.

20.—(1) The Council may reject an application for certification where the applicant has not fulfilled the conditions of certification or the provisions of these Regulations.

Rejected application may be filed afresh for certification

(2) An applicant whose application for certification has been rejected by the Council may submit fresh application.

21.—(1) Notwithstanding the provisions of these Regulations, the Council may certify a foreign environmental expert to prepare or conduct a specific environmental impact study or environmental audit, where such an expert—

Certification of foreign environmental experts

- (a) shows evidence of a valid certification or accreditation and competent qualifications to practice obtained from outside Tanzania;
- (b) shows that he has gained relevant experience of not less than five years in conducting environmental impact studies or audits in the relevant area or areas of competence;
- (c) provides at least two abstracts of previous environmental impact studies or environmental audits conducted in the last three years;
- (d) provides a curriculum vitae and at least three referees, one of whom is registered in Mainland Tanzania; and
- (e) pays the prescribed fee.

(2) The Council may, after being satisfied with the requirements of sub-regulation (1), issue a certificate in the form prescribed in the Second Schedule to these Regulations.

(3) The certificate granted to a foreign environmental expert shall remain valid until the completion of the specific environmental impact assessment or environmental audit.

PART V

REGISTRATION OF ENVIRONMENTAL EXPERTS

Appoint-
ment of
the
Registrar

22.—(1) The Council shall, designate or appoint a suitable person, from among its staff to be Registrar of Environmental Experts.

(2) A person may not be appointed the Registrar, unless that person possesses at least a first degree from a recognized institution and is conversant with environmental related matters including engineering, science, economics, social sciences, architecture or law.

(3) The Registrar shall, in the performance of his functions, be accountable to the Council.

Registrar
Maintena-
nce of
the
Register

23.—(1) The Registrar shall, in accordance with the Third Schedule or any further directions of the Council, maintain an up-to-date Register in which the name of any person certified and registered by the Council to practice as an environmental expert shall be entered.

(2) Responsibilities of the Registrar over the Register shall include—

- (a) maintenance and making available to the public a list of environmental experts and firms of environmental experts;
- (b) facilitating search of entries made in the Register; and
- (c) keeping and maintaining records of registration certificates and their renewal.

(3) Application by members of the public for search of entries made in the Register shall be made following the format provided by Fourth Schedule.

Annual
fees

24. Every environmental expert shall pay a fee to the Registrar to have series in his name entered on the register and an annual fee for renewal of the certificate in each case as prescribed by the Council.

25.-(1) Registration under these Regulations entitles the holder to practice in the area of expertise indicated in the certificate.

Rights,
privileges,
duties
upon
registration

(2) A person certified and registered under these Regulations shall be entitled to use, in any communication the title "Certified Environmental Assessor" or "Certified Environmental Auditor" immediately after his name.

(3) A certificate issued in accordance with these Regulations shall not be transferable or assignable to any other person.

(4) A certificate or registration issued under these Regulations shall not-

- (a) exclude the environmental expert from liability; or
- (b) create any civil or criminal liability on the Council or Committee, for the conduct of or wrong doing by the environmental expert.

26.-(1) Firms duly registered under other laws may apply to be registered as consulting firms of environmental experts under these Regulations.

Firms of
environ-
mental
experts

(2) Firms of experts registered under these Regulations shall, within its members, have at least one certified and registered environmental expert and two specialists from different specialization.

(3) A firm intending to co-ordinate the conduct or preparation of both environmental impact studies and environmental audits shall make two separate applications.

(4) A firm must have specialists from different disciplines constituting a multi-disciplinary team.

27. A firm shall, together with the application form, present-

Entries in
Register

- (a) the names of the persons who have been certified and registered to practice; and
- (b) the kinds of expertise the firm intends to offer in the conduct or preparation of the environmental impact assessment or environmental audits.

- Personal liability of environmental experts 28. Registration of a firm under these Regulations shall not indemnify the professional personal liability of the environmental experts as provided for in these Regulations.
- Validity of registration 29. A certificate issued upon payment of fees, under these regulations shall, be renewed annually.
- Consequence of cancellation 30. The cancellation of a certificate made under these Regulations shall result in the automatic cancellation of the registration.
- Publication of list 31. The Registrar shall publish in the *Gazette* and the media, the list of names of persons and firms registered as Environmental Experts not later than 30th March of each year.

PART VI

CODE OF PRACTICE AND DISCIPLINE OF ENVIRONMENTAL EXPERTS

- Code of Practice and Professional Ethics 32.—(1) Every environmental expert who has been certified and registered under these Regulations shall be subject to the Code of Practice and the Professional Ethics prescribed in the Fifth Schedule.
- (2) An environmental expert who contravenes a provision of the Code of Practice and Professional Ethics commits professional misconduct and shall be subject to disciplinary action by the Council.
- (3) Professional misconduct referred to in sub-regulation (2) includes-
- (a) breach of any of the provisions under the Code of Practice and Professional Ethics as prescribed in the fifth Schedule or under these Regulations; or
- (b) failure to include any item in the contents of the environmental impact assessment or audit as required by these Regulations.
- Control and enforcement of professional conduct 33. Where a certified or registered environmental expert is found unfit to practice by reason of a professional misconduct, the Council may, at any time-

- (a) strike off the name of the environmental expert from the Register and cancel the certificate;
- (b) suspend the environmental expert from practising for a period, not exceeding twelve months;
- (c) reprimand the environmental expert;
- (d) order that the environmental expert pay a penalty or costs; or
- (e) direct that the environmental expert compensates the aggrieved party a sum of money as may be determined by the Council.

34. An environmental expert who is found guilty of professional misconduct under any other law shall automatically be disqualified from practising as an environmental expert.

Disqualification from practising

35.-(1) A person 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, file a complaint with the Council.

Complaints

(2) The Council may institute disciplinary proceedings on its own motion or upon a complaint being raised by the Council, a developer, operator or a proponent of an undertaking any person or institution.

(3) A complaint made under sub-regulation (1) shall be in writing and signed by the complainant and submitted to the Registrar.

(4) The Council shall consider any such complaints within a period of thirty days after the date on which the complaint is lodged.

36. Upon receipt of a complaint, the Registrar shall prepare a statement setting out the charges against the environmental expert and transmit a copy to each member of the Council, the complainant and to the environmental expert whose misconduct is the subject of the complaint.

Submission of charges to the Committee

37. The Council may cause investigations to be carried out to verify the truthfulness of the issues contained in the complaint and thereafter take the appropriate decision as provided for under these Regulations.

Investigation of complaints

**Experts
entitled
to fair
hearing**

38.—(1) The Council shall ensure fair hearing of the Environmental expert whose conduct is the subject of complaint.

(2) The Council shall, before taking disciplinary action, give an opportunity to the environmental expert to show cause why he should not be disciplined.

Appeal

39. A person aggrieved by the decision of the Council made pursuant to 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

**Advertise-
ment**

40. An environmental expert may exhibit his name outside his office, on a plate or a signboard of not more than 36 centimetres by 25.5 centimetres in size containing the place of his business and professional qualifications.

**Immunity
of
members
from
personal
liability**

41. A member of the Council shall not be personally liable for any action done or omitted to be done by him in good faith without negligence for the purpose of carrying into effect the provisions of the Act or these Regulations.

Offences

42.—(1) A person who-

- (a) conducts his professional duties with gross negligence;
- (b) conducts an environmental impact assessment or environmental audit or carries any activity relating to the conduct of an environmental impact assessment study without duly certification and registration;
- (c) holds out or attempts to hold out as a certified or registered environmental expert;
- (d) practices or purports to practice as an environmental expert without being certified and registered under these Regulations;
- (e) uses the title "Certified Environmental Assessor" "Certified Environmental Auditor" without authorisation;

- (f) makes a false statement with the intention of obtaining certification or registration;
- (g) makes a false statement regarding the conduct of an environmental impact study or environmental audit;
- (h) signs on any environmental impact statement or environmental audit without having prepared it; or
- (i) knowingly or negligently, makes an environmental impact statement which is false in any material particular or which is misleading,

commits an offence and on conviction, shall be liable to imprisonment for a term not exceeding eighteen months or to a fine not exceeding one million shillings, or to both.

(2) The court by which a person is convicted of an offence under sub-regulation (1), may in addition to the penalty imposed-

- (a) order for the cancellation of a certificate or registration; or
- (b) award such sum of money to the aggrieved party as it deems fit.

43. The Minister may amend any of the Schedules under these Regulations

Minister
may
amend
Schedules

Environmental (Registration of Environmental Experts)

G.N. No. 348 (contd.)

FIRST SCHEDULE

APPLICATION FOR CERTIFICATION AND REGISTRATION AS AN ENVIRONMENTAL EXPERT

(Regulations 16(1), 21 and 26(1))

PART "A"
DETAILS OF APPLICANT

1. Name of proponent (Individual Expert/ Firm of Experts).....
2. PIN No.....
3. Address.....
4. Name of contact person.....
5. Business registration No. (Where applicable).....Date.....
6. Address.....
7. Telephone No.....Fax No.....
8. E-mail.....
9. Area of specialization and category applying for.....
10. Academic/professional qualifications (of Individuals/Members of Firm/Foreign Expert).....
11. List of professionals and their academic/professional qualifications and their nationalities (where applicable).....
12. Experience in Environmental Assessment/Audit related activities.....
13. Purpose of lodging the application for registration as Individual Expert/Consulting firm of Experts.....
14. Previous registration No. and date of registration (if applicable).....

PART "B"

DECLARATION BY APPLICANT, ENVIRONMENTAL EXPERT/CONSULTING FIRM OF EXPERTS

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

.....
Signature of applicant Full Name in Block letters Position

On behalf of
Firm name and seal Date

Environmental (Registration of Environmental Experts)

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PART "C"
FOR OFFICIAL USE

Approved/Not Approved.....
Comments.....
.....
.....
Registrar..... Signature..... Date.....

Important notes: Please submit the following:
(a) application form in duplicate;
(b) curriculum vitae of the applicant; and
(c) the prescribed fees, to:
Director General,
The Environmental Management Council,
.....
P.O. Box
Dar es Salaam, TANZANIA.
Tel.....Fax.....

Application Reference No.....
Registration No.....

SECOND SCHEDULE

ENVIRONMENTAL EXPERTS' CERTIFICATE

(Regulations. 19(2), 21(2), 26)

CERTIFICATE OF ENVIRONMENTAL EXPERTS

Expert/Firm Certificate No.....
Environmental Assessment/Audit Expert Reg. No.

This is to certify M/S of
.....(Address) has
been registered as an in accordance with
the provisions of the Environmental Management Act, 2004 and is authorized to practice
in the capacity of an Environmental Expert or Firm of Experts in Tanzania.

M/s shall provide expertise in the
following fields:
.....

Environmental (Registration of Environmental Experts)

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.....
.....
Dated this.....day of20.....
Signature.....

(Seal)
Director General,
The National Environmental Management Council.

—
THIRD SCHEDULE
—

Regulation 23(1)

REGISTER OF ENVIRONMENTAL EXPERTS/FIRMS

<i>Name of Firm/Expert</i>	<i>Registration No.</i>	<i>Date of Registration</i>	<i>Certificate Reg. No.</i>	<i>Date of Issue</i>	<i>Place of Issue</i>	<i>Contact Address</i>	<i>Area of Specialization (EIA and Auditing)</i>	<i>Experience & Category (e.g. Mining, Irrigation)</i>	<i>Signature of Environment Expert or Firm</i>	<i>Signature of Filing Officer</i>

FOURTH SCHEDULE

(Under Regulation 23(3))

APPLICATION FOR ACCESS TO INFORMATION

PART "A"
DETAILS OF APPLICANT

Name.....
Address.....
.....
.....
Telephone..... Fax.....
E-mail.....
Profession.....
Date.....

NAME OF EMPLOYER (If applicable).....
Address.....
.....
Telephone..... Fax.....
E-mail.....
Designation.....

INFORMATION REQUIRED (tick as appropriate)

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

State the use /purpose of the information required:

.....
.....

DOCUMENT

Title of the document.....
Author.....
Year.....

Media of the required Information e.g. hard copy or soft copy.....

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PURPOSE OF THE INFORMATION REQUIRED

Educational		Research	
<input type="checkbox"/>	Interested party	<input type="checkbox"/>	Affected party
<input type="checkbox"/>		<input type="checkbox"/>	

Any other (specify)

Important note

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

FIFTH SCHEDULE

Regulation 32 (1)

CODE OF PRACTICE AND PROFESSIONAL ETHICS

PART I

DUTY OF ENVIRONMENTAL EXPERTS TO DEVELOPER

Receiving instructions 1. Environmental Expert shall not act for any developer, owner or operator unless he has received written instructions from that person, or his authorised agent.

Withdrawal of instructions 2.-(1) An Environmental Expert may withdraw from the conduct of an environmental impact study or audit where, without prejudice to the contractual obligations between the developer and the Environmental Expert -

- (a) the developer, owner or operator withdraws instructions, in writing, from the Environmental Expert;
- (b) the developer, owner or operator instructs the Environmental Expert to undertake an environmental impact study or audit in a manner contrary to the Environmental Experts professional ethics, or the laws of Tanzania;
- (c) the Environmental Expert is duly permitted by the Committee to withdraw after the Committee has made investigations to verify the expert's reasons for withdrawal; or
- (d) the developer, owner or operator disregards or breaches an agreement or obligation relating to the fees of the Environmental Expert.

(2) Subject to the terms of the contract between the developer owner or operator and the Environmental Expert, an Environmental Expert intending to withdraw from carrying out an environmental impact study or audit, shall, give the developer in writing, notice of his intention to withdraw, and the reasons for the withdraw.

(3) An Environmental Expert, who withdraw under sub-regulation (2), and who has received advance payment from the developer, owner or operator, shall be required to refund to the developer the portion of the fees which has not been earned by him in the circumstances except that where there is dispute between the developer and the Environmental Expert regarding the matter, it shall be referred to arbitration under the written law prescribing Arbitration.

3.-(1) An Environmental Expert shall not unreasonably delay the carrying out of instructions received from the developer, instructions owner or operator.

Carrying out of instructions

(2) an Environmental Expert shall conduct business on behalf of the developer owner or operator with the due diligence.

(3) An Environmental Expert shall discharge his other responsibility by applying to the affairs of the developer, owner or operator, his professional skill and knowledge taking into account any statutory duty related to the performance of such duties.

4.-(1) An Environmental Expert shall only be remunerated by a fee agreed upon between him and the developer, owner or operator.

Fees and factors for remuneration

(2) An Environmental Expert shall be paid for the services, by the developer or operator or owner-

- (a) a fee appropriate to remunerate him for the time and, skill which he shall personally devote to the developer's, owner's or operator's affairs and the responsibility he accepts;
- (b) a reimbursement of and a suitable margin of profit on his overhead expenses.

(3) An Environmental Expert shall not charge excessive or unreasonable fees.

5. In computing fees payable to an Environmental Expert, the following shall be considered-

Computation of fees

- (a) the skill and knowledge required;
- (b) consultation involved;
- (c) risks involved in carrying out the study;
- (d) the nature of responsibility undertaken; and
- (e) the time taken for the study.

6. An Environmental Expert shall, at all times, be honest and impartial in his dealings with the developer, owner or operator and the public.

Honesty

7.-(1) An Environmental Expert shall not usurp the statutory duty of the developer, owner or operator to liaise with the Council.

Liaising with the Council

(2) An Environmental Expert may, notwithstanding, sub-paragraph (1), consult with the Council regarding technical matters in carrying out the environmental impact study or audit.

Environmental (Registration of Environmental Experts)

G.N. No. 348 (contd.)

- Submi-
sion of
environ-
mental
impact
statement
or
enviro-
nmental
audit
reports
8. The Environmental Expert shall submit the environmental impact statement or an environmental audit report to the developer, owner or operator who shall submit such document directly to the Council.
- Responsi-
bilities of
the
environ-
mental
expert
9. An Environmental Expert is personally responsible for work undertaken on behalf of the developer, owner or operator.
- Duty to
the
environ-
mental
experts
10. A developer, owner or operator shall have the duty to fulfil the terms of the contract with the Environmental Expert and shall protect the Environmental Expert against any other person while carrying out professional duties or instructions.
- Devotion
of time
- 11.-(1) An Environmental Expert shall devote sufficient time for the conduct of the work of the developer, owners or operator.
- (2) An Environmental Expert shall only take up such work as can be successfully conducted and done on time.

PART II

GENERAL DUTIES OF ENVIRONMENTAL EXPERT

- Collection
of data
- 12.-(1) An Environmental Expert shall take due care and diligence to collect the relevant data to address the significant environmental issues in the various stages of the assessment or audit process.
- (2) An Environmental Expert shall not include in his report, without acknowledgement of the source, any data, which is not the result of his findings.
- Consultation
13. An Environmental Expert shall consult widely with all relevant agencies, stakeholders, interested parties and the general public, on all matters which will, or are likely to, affect them.
- Guidelines
14. An Environmental Expert shall comply with Regulations or guidelines and directives issued by the Committee or Council.

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15. An Environmental Expert shall include all the matters as required, under the Act and the guidelines to be included in the environmental statement or environmental audit reports before submitting the reports to the developer or owner of the project.	Contents of reports
16. An Environmental Expert shall not base an environmental impact assessment or audit entirely on the findings of a previously conducted environmental impacts assessment or environmental audit.	Previous findings
17. An Environmental Expert shall, in undertaking an environmental impact study or audit, bear in mind any previous environmental impact assessments of a similar project made under these Regulations but shall not copy the previous findings in whole.	Similar projects
18. An Environmental Expert, in making reference to other environmental impact assessments or environmental audits, shall quote and disclose the reference.	Disclosure of references
19. In the event of any alleged breach of this Code of Practice, an Environmental Expert shall co-operate fully and without reservation in any formal inquiry or when called upon to appear before the Committee.	Cooperation in case of inquiry
20. An Environmental Expert shall maintain a record of all environmental impact studies or audit work carried out by him, which shall on request be made available to the Committee.	Maintenance of records
21. An Environmental Expert shall ensure that all work undertaken by him is carried out in accordance with applicable standards and best practice.	Use of applicable standards and practices

PART III

PRINCIPLES OF ETHICS

22. An Environmental Expert shall carry out his professional activities, as far as possible, in accordance with principles of sustainable development and the highest standards of environmental protection and in compliance with relevant laws, including, but not limited to the Environmental Management Act 2004, and the Regulations made under it.	Use of principles of sustainable development
23. 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.	Protection of the integrity of the environment

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- Promotion of environmental consideration 24. An Environmental Expert shall promote the incorporation of environmental considerations from the earliest stages of project design or development.
- Separation of facts and opinions 25. An Environmental Expert shall clearly differentiate between facts and opinions in his work.
- Advancement in knowledge by expert 26. An Environmental Expert shall, to the best of his ability, keep informed of advances in environment impact assessment practice or environmental audit practice and must integrate such knowledge in his professional activities.
- Misrepresentation of qualifications 27. An Environmental Expert shall not misrepresent or allow or permit misrepresentation of his own or an associates' academic or professional qualifications nor exaggerate his degree of responsibility of any work of a professional nature.
- Professional conduct of environmental expert 28.-(1) An Environmental Expert shall conduct his work in accordance with these Regulations and the code of ethics obtaining in the profession to which he belongs.
(2) An Environmental Expert must conduct his profession in accordance with the best available practice, taking into account advanced in science and technology.
(3) An Environmental Expert shall act professionally, accurately, truthfully and in an unbiased manner.
- Adequacy of information 29. 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.
- Responsibility to the law and profession 30.-(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.
- Integrity of the Committee 31. An Environmental Expert shall not act in any way that is likely to prejudice the reputation of the committee or its functions and shall co-operate full with an inquiry carried out in the event of any alleged breach of this Code.
- Responsibility to the public 32. 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.

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| 33. An Environment Expert shall not undertake or accept any work beyond his qualifications. | Honest |
| 34. An Environmental Expert shall not allow any person to practice in his name as a registered Environmental Expert unless that person is also a registered Environmental Expert unless that person is also a registered Environmental Expert and is in firm or employed by him. | Uncertified or registered persons |
| 35.-(1) An Environmental Expert shall not sign or put his name to an environmental impact statement or environmental audit that is not prepared by him, or by staff under his supervision. | Signing of the statement of the study or report |
| (2) An Environmental Expert shall not knowingly sign or put his name to an environmental impact statement or audit that contains false information. | |
| 36. An Environmental Expert shall not breach the terms of his contract with the developer, owner or operator. | Breach of terms |
| 37. 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, and shall expose without fear or favour all those engaged in illegal or unethical conduct. | Illegal activities |
| 38. An Environmental Expert shall not directly or indirectly apply or send instructions for professional business or do or permit, in carrying out of his practice any act or thing, which can be reasonably regarded as advertising and shall not entice the developer, owners or operators from other Environmental Experts. | Advertising |
| 39. An Environmental Expert shall not give his opinion on an environmental impact study or audit in which he has substantial interest unless he discloses the nature of interest when expressing or her opinion | Disclosure of Environmental expert's interests |
| 40.-(1) An Environmental Expert shall not disclose classified information acquired in the course of his professional anganement to any person other than the developer, owner or operator of the Authority without the consent of the developer, owner or operator of the Council. | Confidentiality |
| (2) In the case of envorinmental audit, an environmental auditor shall not disclose any information relating to an audit without prior written approval from the owner or operator of the audited facility, or the auditing organisation, unless required by law. | |
| 41. 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 any other person. | Exploitation |

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Commis-
sion

42.-(1) An Environmental Expert shall not accept any work which involves the giving or receiving of discount or commission, nor shall he accept any form of bribe, gift or commission from a sector ministry or department, the private sector, non governmental organisations and the public, or any person, whether employed in his work or not.

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

Compet-
ing
interest

43. Environmental Expert shall not represent conflicting or competing interest and shall disclose to any client or employer any relationship that may influence his judgement prior to the carrying out of work.

Dar es Salaam,
21st October, 2005

ARCADO D. NTAGAZWA (MP.),
Minister of State, Vice-President's Office
(Environmental and Union Matters)