

GOVERNMENT NOTICE 349 published on 4/11/2004

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
(ACT No. 20 OF 2004)

REGULATIONS

(Made under section 82(1) and 230(2) (h) and (q))

THE ENVIRONMENT IMPACT ASSESSMENT AND AUDIT REGULATIONS, 2005

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THE ENVIRONMENTAL MANAGEMENT ACT, 2004
(ACT No. 20 OF 2004)

REGULATIONS

(Made under section 82(i) and 230(2) and (h))

THE ENVIRONMENT IMPACT ASSESSMENT AND AUDIT REGULATIONS, 2005

PART I
PRELIMINARY PROVISIONS

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|--|---|
| 1. These Regulations may be cited as the Environment Impact Assessment and Audit Regulations, 2005. | Citation |
| 2. These Regulations shall apply to all projects, undertakings and activities referred to in Part VI and the Third Schedule to the Act and, the First Schedule to these Regulations. | Applica-
tion |
| 3. In these Regulations, unless the context otherwise requires—
“Act” means the Environmental Management Act, 2004;
“analysis” means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect (whether physical, chemical or biological) on any segment of the environment or examination of emissions or recording of noise or subsonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segment of the environment;
“analyst” means an analyst appointed or designated under section 163 of the Act;
“biological diversity” means the variability among living organisms from all sources including terrestrial ecosystems, aquatic ecosystems and the ecological complexes of which they are part including diversity within species and of ecosystems;
“chemical” means a chemical substance in any form whether by itself or in a mixture or preparation, whether manufactured or derived from nature and includes industrial chemicals, pesticides, fertilizers and drugs; | Interpre-
tation
Act No.
20 of
2004 |

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- “Council” means the National Environment Management Council established under section 16 of the Act;
- “developer” means a person who is developing a project to which an environment impact assessment is required by the Act;
- “Director General” means the Director General of the Council appointed pursuant to section 21 of the Act;
- “economic analysis” means the use of analytical methods which take into account economic, socio-cultural, and environmental issues in an integrated manner in the assessment of projects;
- “environment audit” means a systematic evaluation of activities and processes of a project to determine how far these activities and programmes conform with the approved environmental management plan of that specific project and sound environmental management practices and applicable environment standards;
- “environment auditor” means an individual person or a firm of experts certified and registered as Environmental Expert in accordance with the provisions of the Environmental (Registration of Environment Experts) Regulation, 2005;
- “environment control audit” means a mechanism or procedure put in place by a proponent or proprietor in consultation with the Council to determine compliance with environmental standards;
- “environment expert” means an individual person or firm of consultants duly certified and registered under the Environmental (Registration of Environmental Experts) Regulations, 2005 to conduct environmental impact assessment study or environmental audit;
- “environment impact assessment” means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;
- “environment impact statement” means the statement produced at the end of the environmental impact assessment process in accordance with the requirements of section 86 of the Act and Part IV of these Regulations;
- “environment management plan” means all details of project activities, impacts, mitigation measures, time schedule, costs, responsibilities and commitments proposed to minimize environmental impacts of activities, including monitoring and environmental audits during implementation and decommission phases of a project;
- “environmental management” includes the protection, conservation and sustainable use of the various elements or components of the environment;

- “environment monitoring” means the continuous or periodic determination of actual and potential effects of any activity or phenomenon of the environment whether short-term or long term;
- “guidelines” means the guidelines describing the methodology for implementation of environmental impact assessment or environmental audit requirements adopted by the Council pursuant to section 58 of the Act;
- “mitigation measures” include engineering works, technological improvements, management and ways and means of minimising negative aspects, which may include socio-economic and cultural losses suffered by communities and individuals, whilst enhancing positive aspects of the project;
- “natural resources” include engineering works, technological improvements, management and ways and means of minimising negative aspects, which may include socio-economic and cultural losses suffered by communities and individuals, whilst enhancing positive aspects of the project;
- “natural resources” include resources of air, land, water, animals and plants including their aesthetic qualities;
- “premises” include mesuages, buildings, lands and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;
- “project” includes any project, programme or policy that leads to activities which may have an impact on the environment;
- “proprietary information” means information relating to any manufacturing process, trade secret, trade mark, copyright, patent or formula protected by law in Mainland Tanzania or by any international treaty to which the United Republic is party;
- “proponent” means a person proposing or executing a project, programme or an undertaking specified in the Third Schedule of the Act;
- “public” means individual, civil society organisation and institutions, community based organisations, public and private institutions;
- “review” means a process of checking the adequacy of an environmental impact statement or environmental audit report with a view to ensuring that it meets the legal requirement and ensure wide acceptance of the environmental impact study findings;

- “Social analysis” means assessing or estimating in advance the social consequences from specific policy actions or project development including social justice and equity, social uncertainty, social cohesion, social networks and interactions, social status and gender de segregation;
- “standard” means the limits of discharge or emissions established under the Act or under these Regulations made pursuant to the Act or any other in the law;
- “sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;
- “sustainable use” means present use of the environment or natural resources, which does not compromise the ability to use the same by future generations or degrade the carrying capacity of supporting ecosystems;
- “trade” means any trade, business or undertaking whether originally carried on at a fixed premises or at varying places which may result in the discharge of business or undertaking for the purposes of this Act;
- “Tribunal” means the Environmental Appeals Tribunal established by section 204 of the Act;
- “water” includes drinking water, river, stream, watercourse, reservoir, well, dam, canal, channel, lake, swamp, open drain, or underground water.

PART II

GENERAL PROHIBITION

General
prohibition

4. (1) No developer or proponent shall implement a project—
- (a) likely to have a negative environmental impact; or
 - (b) for which an environmental impact assessment is required under the Act, these Regulations or any other written law unless an environmental impact assessment has been concluded and approved in accordance with these Regulations.

(2) No licensing authority under any law in force in Mamland Tanzania shall issue a certificate for any project for which an environmental impact assessment is required under the Act unless the applicant produces to the licensing authority a certificate of environmental impact assessment issued by the Minister under the Regulations.

(3) No licensing authority under any law in force in Mainland Tanzania shall issue a trading, commercial or development permit or license for any micro project activity set out in the First Schedule to these Regulations that is likely to have cumulative significant negative environmental impact before it ensures that an impact assessment approved by the Minister in place.

PART III

PROJECT REGISTRATION AND SCREENING

5. An application for an environmental impact assessment certificate shall be made in the format of a project brief set out in the Third Schedule to the Act and First Schedule to these Regulations, and the applicant shall submit the application together with the prescribed fee to the Council.

Application for Environmental Impact Assessment Certificate

6.-(1) A developer or proponent shall, depending on the nature of the project or undertaking, register in accordance with Form No. 1 specified in the Third Schedule to these Regulations and prepare a project brief stating:-

Preparation of project

- (a) the nature of the project in accordance with the categories identified in the Third Schedule to the Act and the First Schedule to these Regulations;
- (b) the location of the project including the physical area that may be affected by the project's activities;
- (c) the activities that shall be undertaken during the project construction, operation and decommissioning phases;
- (d) the design of the project;
- (e) the materials to be used, products and by-products, including waste to be generated by the project and the methods of their disposal;
- (f) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;
- (g) an action plan for the prevention and management of possible accidents during the project cycle;
- (h) a plan to ensure the health and safety of the workers and communities:

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- (i) the economic and socio-cultural impacts to the local community and the nation in general;
- (j) the project budget; and
- (k) any other information which the Council may require.

(2) In preparing a project brief under this Regulation, the proponent or developer shall pay particular attention to other issues specified in the First Schedule to these Regulations.

(3) A project brief shall be prepared by an environmental impact assessment expert registered as such under regulations made under the Act.

Submission of project brief

7. A proponent or developer shall submit at least ten copies of the project report to the Council or the Council's appointed agent in Form No. 1 specified in the Third Schedule to these regulations accompanied by the prescribed fees.

Comments on the project brief

8.-(1) Where the project brief conforms to the requirements of regulation 6, the Council shall within seven days upon receipt of the project report, submit a copy of the project brief to—

- (a) each of the relevant ministry or public institution;
- (b) the relevant local government environmental management officer; and
- (c) where more than one district is involved, to the relevant Regional Secretariat, for their written comments.

(2) Comments shall be submitted to the Council within twenty one days from the date of receipt of the project brief.

(3) On receipt of the comments or where no comments have been received the Council shall proceed to determine the project brief.

Screening project brief

9.-(1) The Council shall screen the project brief guided by screening criteria as specified in Second Schedule to these Regulations.

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(2) The screening process shall be undertaken with the objective of determining whether an environmental impact assessment be undertaken.

10.-(1) On determination of the project brief, the decision of the Council, together with the reasons thereof, shall be communicate to the developer or proponent within forty-five days of the submission of the project brief.

Approval
of
project
brief

(2) Where the Council is satisfied that the project shall not have significant negative impact on the environment, or that the project brief discloses sufficient mitigation measures, the Council may proceed to recommend to the Minister to approve the project.

(3) Approval of the project or undertaking shall be made in Form 3 specified in the Third Schedule to these Regulations.

11.-(1) Where the Council finds that the project shall have a significant impact on the environment and the project report discloses no sufficient mitigation measures it shall require the developer or proponent to:

Decision
that an
environ-
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impact
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prepared

- (a) undertake an environmental impact assessment in accordance with these Regulation; or
- (b) undertake a preliminary assessment, where more information is required to determine a screening decision.

(2) A preliminary assessment shall proceed along the following steps:

- (a) description of the project characteristics and the affected environment;
- (b) identification of impacts on the local environment; and
- (c) assessment or evaluation of the significance of the impacts in terms of energy flow, transformation of matter, effects on sensitive ecosystems relative to the baseline state and socio-economic impacts.

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(3) Where the Council finds that the project shall have no significant negative impact on the environment and the project report discloses sufficient mitigation measure, it shall not require the developer or proponent to undertake an environmental impact assessment, and may proceed to recommend to the Minister for approval of the project.

PART IV

THE ENVIRONMENT IMPACT ASSESSMENT

Objectives
of
Environ-
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Impact
Assess-
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12. The objective of any environmental impact assessment shall be to—
- (a) establish before a decision is taken by any person, authority, corporate body or unincorporated body including the Government and local government authorities intending to undertake or authorise the undertaking of any activity impacts that may likely or to a significant extent affect the environment or have environmental effects on those activities;
 - (b) promote the implementation of the Act and all laws and decision making process through which the goal and objective in paragraph (a) may be realised;
 - (c) encourage the development of procedure for information exchange, notification and consultation between organs and persons when a proposed activity is likely to have significant environmental effects on transboundary or an environment bordering regions, districts, municipalities, towns and villages;
 - (d) to ensure that environmental considerations are explicitly addressed and incorporated into the development decision making process;
 - (e) to anticipate and avoid, minimize or offset the adverse significant biophysical, social and other relevant effects of development proposal;
 - (f) to protect the productivity and capacity of natural systems and the ecological processes which maintain their functions; and
 - (g) to promote development that is sustainable and optimises resources use and management opportunities.

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13.–(1) An environmental impact assessment shall be conducted in accordance with scoping and the terms of reference developed during the scoping exercise by the developer or proponent.

Scoping
and
terms of
reference

(2) The terms of reference shall be submitted to the Council for approval which should be made within fourteen days of submission failure of which approval shall be assumed.

(3) The scoping report shall contain among other things the following components:

- (a) how the scoping exercise was undertaken;
- (b) identification of issues and problem;
- (c) synthesis of results of the scoping exercise including details of potential negative and positive impacts;
- (d) stakeholder groups identified and how they were involved in the scoping exercises;
- (e) spatial, temporal and institutional boundaries of the project;
- (f) project alternatives; and
- (g) terms of reference.

14. The environmental impact assessment shall be conducted by experts or firms of experts whose names have been duly certified and registered in accordance with the provisions of the Environmental (Registration of Environmental Experts) Regulations, 2005.

Conduct
of EIA
by
experts

15. An environmental impact assessment shall be conducted in accordance with the general environmental impact assessment guidelines and steps set out in the Fourth Schedule to these Regulations.

Environ-
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assess-
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steps

16. An environmental impact assessment shall take into account environmental, social, cultural, economic, and legal considerations, and shall–

Environ-
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impact
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study

- (a) identify the anticipated environmental impacts of the project and the scale of the impacts;
- (b) identify and analyse alternatives to the proposed project;

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- (c) propose mitigation measures to be taken during and after the implementation of the project; and
- (d) develop an environmental management plan with mechanisms for monitoring and evaluating the compliance and environmental performance which shall include the cost of mitigation measures and the time frame of implementing the measures.

Public
partici-
pation

17.-(1) During the process of conducting an environmental impact assessment study, the developer or proponent shall in consultation with the Council, seek the views of any person who is or is likely to be affected by the project.

(2) In seeking the views of the public following the approval of the project brief, the developer or proponent shall-

- (a) publicize the project and its anticipated effects and benefits by-
 - (i) posting posters in strategic public places in the vicinity of the site of the proposed project informing the affected parties and communities of the proposed project;
 - (ii) publishing a notice on the proposed project for two successive weeks in a newspaper that has a nationwide circulation; and
 - (iii) making an announcement of the notice in both Kiswahili and English languages in a radio with a nationwide coverage for at least once a week for two consecutive weeks;
- (b) hold, where appropriate, public meetings with the affected parties and communities to explain the project and its effects, and to receive their oral or written comments;
- (c) ensure that appropriate notices are sent out at least one week prior to the meetings and that the venue and times of the meetings are convenient for the affected communities and the other concerned parties; and
- (d) ensure, in consultation with the Council, that a suitably qualified co-ordinator is appointed to receive and record both oral and

written comments and any translations of it as received during the public meetings for onward transmission to the Council.

(3) Without prejudice to the preceding provisions of this Regulation, the Council may issue notice to the members of the public to participate in all steps of conducting an environmental impact assessment.

(4) After closing the public hearing, the Council shall ensure that both oral and written comments and, minutes of the meeting are attached as an annex to the environmental impact statement.

PART V

THE ENVIRONMENTAL IMPACT STATEMENT

18.-(1) A developer or proponent shall submit to the Council, an environmental impact statement incorporating but not limited to the following information—

- (a) the project and the activities that is likely to generate;
- (b) the proposed location of the project and reasons for rejecting alternative locations;
- (c) a concise description of the national environmental legislative and regulatory framework, baseline information, and any other relevant information related to the project;
- (d) the objective of the project;
- (e) the technology, procedures and processes to be used, in the implementation of the project;
- (f) the materials to be used in the construction and implementation of the project;
- (g) the products, by products and waste generated by the project;
- (h) a description of the potentially affected environment including specific information necessary for identifying and assessing the environmental effects of the project;

Contents
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Environmental Impact Assessment and Audit

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- (i) the environmental effects of the project including the social and cultural effects and the direct, indirect, cumulative, irreversible, short term and long term effects anticipated;
- (j) alternative technologies and processes available and reasons for preferring the chosen technology and processes;
- (k) analysis of alternatives including project site, design and technologies and reasons for preferring the proposed site, design and technologies;
- (l) an environmental management plan proposing the measures for eliminating, minimizing or mitigating adverse impacts on the environment; including the cost, timeframe and responsibility to implement the measures;
- (m) provision of an action plan for the prevention and management of foreseeable accidents and hazardous activities in the course of carrying out activities or major industrial and other development projects;
- (n) the measures to prevent health hazards and to ensure security in the working environment for the employees and for management of emergencies;
- (o) an identification of gaps in knowledge and uncertainties which were encountered in compiling the information;
- (p) an economic and social analysis of the project;
- (q) positive impacts and how to enhance them; and
- (r) such matters as the Council may require.

(2) Without prejudice to the generality of sub-regulation (1), the environmental impact statement shall closely be styled and contain the following information:

- (a) Format of the environmental impact statement:
 - (i) executive summary;
 - (ii) acknowledgement;

- (iii) acronyms;
- (iv) introduction;
- (v) project background and description;
- (vi) policy, administrative and legal framework;
- (vii) baseline or existing conditions;
- (viii) assessment of impacts and identification of alternatives;
- (ix) impacts management or environmental mitigation measures;
- (x) environmental and social management plan;
- (xi) environmental and social monitoring plan;
- (xii) resource evaluation or cost benefit analysis;
- (xiii) decommissioning;
- (xiv) summary and conclusions;
- (xv) references;
- (xvi) appendices;
- (b) Cover page of the environmental impact statement:
 - (i) title of the proposed project;
 - (ii) location of proposed development;
 - (iii) developer;
 - (iv) lead consultants;
 - (v) contact address and phone;
 - (vi) date of submission.
- (3) Executive summary shall contain the following:
 - (a) title and location of the project or undertaking;
 - (b) name of the proponent and contact;
 - (c) names and addresses of experts or firms of experts conducting EIA;
 - (d) A brief outline and justification of the proposed project or undertaking showing:—

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- (i) a brief description of the project environment;
- (ii) project stakeholders and their involvement in the EIA process;
- (iii) explanation on why some impacts are not addressed;
- (iv) list of developer, consultant, local planning authorities and other people and organisations consulted;
- (v) results of public consultation;
- (vi) description of the major significant impacts;
- (vii) alternative considered;
- (viii) recommendations and plan for mitigation of the impacts;
- (ix) environmental and social management;
- (x) proposed monitoring and auditing;
- (xi) resource evaluation or cost benefit analysis; and
- (xii) decommissioning.

Executive
summary
of
environ-
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impact
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19.-(1) In making an environmental impact statement, the developer or proponent shall have regard to the issues stipulated in the terms of reference.

(2) An environmental impact statement shall be accompanied by non technical executive summary both in Kiswili and English languages stating the key findings, conclusions and recommendations of the assessment.

Signature

20.-(1) The environmental impact statement shall be signed by each of the individual persons making the assessment.

Submis-
sion of
environ-
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21. A developer or proponent shall submit fifteen original copies and an electronic copy of an environmental impact statement to the Council in Form No. 2 specified in the Third Schedule to these Regulations accompanied by the prescribed fees.

PART VI

REVIEW PROCESS OF ENVIRONMENTAL IMPACT STATEMENT

22.-(1) The Council may set up cross-sectoral technical advisory committees at national level and, where appropriate at a local government authority level to advise it on reviews of environmental impact assessment related reports.

Cross-sectoral technical advisory committee

(2) The cross-sectoral technical advisory committee shall consist of not less than twelve specialists constituting a multi-disciplinary specialisation.

(3) The terms of reference and rules of procedure of a cross-sectoral technical advisory committee shall be drawn by the Council in accordance with section 87 and 88 of the Act.

(4) The cross-sectoral technical advisory committee may, with the approval of the Director General, co-opt any persons it deems necessary for its proper functioning.

(5) The quorum for the meeting of the cross-sectoral technical advisory committee shall be two-third of members.

23.-(1) The Council shall within fourteen days of the receipt of the environmental impact statement submit a copy to any relevant Ministry and public institution and, shall notify and invite the general public for comment.

Invitation of comments from relevant Ministries, institutions and the general public

(2) Upon receiving the environmental impact statement, the Ministry and public institution shall review the report to ensure that it complies with the terms of reference developed pursuant to Regulation 13 and that it is comprehensive and send the comments to the Council within thirty days or such extended period as the Council may specify.

(3) Where the relevant Ministry and public institution to which a copy of the environmental impact statement is submitted fails to submit comments within thirty days or such extended period as the Council may specify, the Council may proceed with the determination of the application for the implementation of the project or undertaking.

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- Review criteria** 24. The Council shall undertake review of an environmental impact statement in accordance with the following criteria:
- (a) Review Area 1
Description of Development Local Environment and Baseline conditions:
 - (i) description of the Development; and
 - (ii) local Environment and Baseline conditions;
 - (b) Review Area 2
Identification and Evaluation of key impacts:
 - (i) identification and evaluation of key impacts;
 - (ii) residual impacts;
 - (iii) cumulative impacts;
 - (iv) prediction of impact magnitude; and
 - (v) assessment of impact significance.
 - (c) Review Area 3
Alternatives, mitigations, EMP, and commitment:
 - (i) alternatives;
 - (ii) mitigations;
 - (iii) Environmental Management Plan; and
 - (iv) commitment.
 - (d) Review Area 4
Stakeholders participation and communication of results:
 - (i) stakeholder participation;
 - (ii) presentation;
 - (iii) balance; and
 - (iv) non-technical summary
- On site visits** 25. The Council may arrange for on-site visits with the developer or proponent for purposes of inspecting the project or undertaking which is the subject of review.
- Decision to hold public hearing** 26.-(1) The Council shall consider an environmental impact statement and all the comments received and shall proceed to determine whether to hold or not to hold a public hearing in accordance with Regulation 27.
- (2) The Council shall hold a public hearing on the environmental statement if:-
- (a) as a result of the comments received it is of the opinion that a public hearing shall enable it to take a fair and just decision;
- or

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- (b) it consider it necessary for the protection of the environment.
- (3) During the hearing, the Council shall:—
 - (a) receive submissions and comments from any interested party;
 - (b) ask questions and seek answers respecting the environmental impact of a project or an undertaking; and
 - (c) provide information which assist the hearing panel to prepare recommendations to the Minister.

27.—(1) Upon receipt of both oral and written comments as specified by section 89 and 90 of the Act, the Council may conduct a public hearing.

Public
hearing

(2) The public hearing shall be presided over by a suitably qualified person appointed by the Council.

(3) The date and venue of the public hearing shall be publicized at least one week prior to the meeting—

- (a) by notice in at least one daily newspaper of national circulation and one newspaper of local circulation, television and other means of mass communication;
- (b) by at least two announcements in the Kiswahili and English languages.

(4) The public hearing shall be conducted at a venue convenient and accessible to people who are likely to be affected by the project.

(5) A proponent shall be given an opportunity to make a presentation and to respond to presentations made at the public hearing.

(6) The presiding officer shall, in consultation with the Council determine the rules of procedure at the public hearing.

(7) On the conclusion of the public hearing, the presiding officer shall compile a report of the views presented at the public hearing and submit the report to the Director General within fourteen days from the date of completion of the public hearing.

28.—(1) All public hearings shall be non-judicial and conducted in an informal and in a non-adversarial format.

General
format of
public
hearings

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(2) All public hearing shall not follow the strict rules of law, procedure and evidence required by a court of law.

(3) All public hearings shall be conducted in a structured manner so as to permit a fair and full examination of all information presented.

Persons eligible to make presentations at public hearings

29. Any person may attend either in person or through a representative and make presentations at a public hearing provided that the presiding officer shall have the right to disallow frivolous and vexatious presentations.

Submission of recommendations to the Minister

30. Upon completion of the review process, the Council shall prepare a report on the review of environmental impact statement and submit it to the Minister in accordance with section 91 of the Act.

PART VII

DECISION OF THE MINISTER

Decision of the Minister

31.—(1) The Minister shall give his decision on an environmental impact statement within thirty days of receiving recommendations of the Council.

(2) The decision of the Minister shall be made in writing and shall contain the reasons for the decision.

Criteria for decision

32.—(1) In making a decision regarding an environmental impact statement the Minister shall take into account—

- (a) the validity of the environmental impact assessment statement with emphasis on the environmental, economic, social and cultural impacts of the project;
- (b) the comments made by relevant Ministry, institution and other interested parties;
- (c) the report of the person presiding at a public hearing, where applicable;
- (d) other factors which the Council may consider relevant in the implementation of the project; and

(e) advice of the Director of Environment in such application.

(2) The decision of the Minister under these regulations shall be communicated to the developer or proponent and a copy thereof shall be made available for inspection by the general public at the Council's office.

33.—(1) The Minister shall take into account the review process and make a decision stating that—

Decision of Minister and issue of decision letter

- (a) the Environmental Impact Statement is approved;
- (b) the Environmental Impact Statement is not approved; or
- (c) the Environmental Impact Statement is approved subject to the developer meeting specified conditions.

(2) Where the Minister has not approved or approved the project subject to certain conditions, he shall, in communication the decision to the developer or proponent—

- (a) provide reasons for his decision; or
- (b) specify conditions attached on the approval based on the environmental management plan provided in the environmental impact assessment statement including schedule of activities that governs implementation of activities.

34. Where the Minister approves an environmental impact statement he shall issue an environmental impact assessment certificate in Form 3 specified in the Third Schedule to these Regulations.

Environmental impact assessment certificate

35.—(1) Where circumstances arise which compels or requires a developer or proponent to vary the terms and conditions on which an environmental impact assessment certificate has been issued, the holder of the certificate shall apply for a variation in accordance with the format in Form 5 specified in the Third Schedule to these Regulations accompanied by a prescribed fee.

Variation of certificate

(2) The Minister may issue a certificate of variation of an environmental impact assessment certificate in Form No. 6 set out in the Third Schedule to these Regulations.

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(3) A variation of an environmental impact certificate issued under these Regulations may be issued without the holder of the certificate submitting a fresh environmental impact statement if the Council is satisfied that the project if varied would comply with the requirements of the original certificate.

(4) Where an environmental impact assessment is required for variation of the environmental impact assessment certificate the provision of Part IV of these Regulations shall apply.

Transfer
of
certifi-
cate

36.—(1) The holder of an environmental impact assessment certificate may, on payment of the prescribed fee, transfer the certificate to another person only in respect of the project to which such certificate was issued.

(2) The transferee as well as the transferor of an environmental impact assessment certificate shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the certificate transferred, but the transferor shall not be responsible for any future liabilities or any obligations so imposed with regard to the environmental impact assessment certificate that was issued.

(3) Where an environmental impact assessment certificate is to be transferred, the person to whom it is to be transferred and the person transferring it shall jointly notify the Minister of the transfer in Form 7 specified in the Third Schedule to these Regulations.

(4) The Minister shall issue environmental impact assessment certificate of transfer of an environmental impact assessment certificate in Form 8 specified in the Third Schedule to these Regulations.

(5) Where no joint notification of a transfer is given in accordance with this regulation, the registered holder of the environmental impact assessment certificate shall be deemed for the purposes of these Regulations and the Act to be the owner or the person having charge, management or control of the project, as the case may be.

Surrender
of
certifi-
cate

37.—(1) The holder of an environmental impact assessment certificate may surrender the certificate issued under these Regulations

to the Minister after ceasing to be responsible for the implementation of the project.

(2) The holder of the environmental impact assessment certificate shall notify the Minister through the Council of the intention to surrender the certificate under sub-regulation (1) at least six months before the surrender by submitting a notification in Form 9 specified in the Third Schedule to these Regulations together with the prescribed fees.

(3) The holder of environmental impact assessment certificate shall not surrender it without the consent of the Minister.

(4) The surrender of an environmental impact assessment certificate shall not be effective until the Minister issues environmental impact assessment certificate of surrender in respect of that an environmental impact assessment certificate in Form 10 specified in the Third Schedule to these Regulations.

(5) A surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the environmental impact assessment certificate prior to the date of surrender.

38.-(1) The Minister may, at any time after issuing an environmental impact assessment certificate under these Regulations, on the advise of the Council-

- (a) suspend the environmental impact assessment certificate on such terms and conditions as the Minister may specify in such order; or
- (b) revoke or cancel the certificate.

(2) The Minister may suspend, revoke or cancel environmental impact assessment certificate as specified under sub-regulation (1) where-

- (a) the holder contravenes the conditions set out in the environmental impact assessment certificate;
- (b) there is a substantial change or modification in the project or in the manner in which the project is being implemented;

Cancellation of an environmental impact assessment certificate

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- (c) the project poses an environmental threat which could not be reasonably foreseen before the environmental impact assessment certificate was issued; or
- (d) it is established that the information or data given by the developer or proponent in support of his application for an environmental impact assessment certificate was false, incorrect or intended to mislead.

PART VIII

ACCESS TO ENVIRONMENTAL IMPACT STATEMENTS
AND INFORMATION

Docu-
ments
deemed
to be
public
docu-
ments

39.-(1) Subject to the freedom of access to environmental information, any project brief, environmental impact statement, terms of reference, public comments, report of a person presiding at a public hearing, environmental impact assessment statement, decision letter or any other information submitted to the Council under these Regulations, shall be public documents.

(2) The Council shall, grant any person who desires to consult any document referred to in sub-regulation (1), access to that document on such terms and conditions as the Council considers necessary.

Protec-
tion of
propri-
etary
informa-
tion

40.-(1) A person submitting information to the Council may at anytime apply to the Council in Form 11 specified in the Third Schedule to these Regulations to exclude the information or parts thereof from being made available to the public on the basis of commercial confidentiality or national security.

(2) Where the Council grants the request made under sub-regulation (1), the information or specified parts of the information shall be excluded from public access, and an entry shall be made in the register to be maintained by the Council indicating in general, the nature of the information and the reason for which it is excluded from public access but shall remain available to the Council, which shall take all measures to maintain its confidentiality.

(3) Where the Council rejects the request that the information is proprietary, it shall communicate the decision to the developer or proponent within fourteen days of its decision.

(4) The Council shall review its decision on an application made under this regulation from time to time to determine whether the reasons for exclusion are still valid and whether the exclusion should continue.

(5) A person who is aggrieved by the decision of the Council to exclude information from public access may appeal to the Minister.

PART IX

PERIOD OF VALIDITY

41. Where, following the preparation of a project or environmental impact assessment, an environmental impact assessment certificate has been issued but no development has started within three years, the developer or proponent shall re-register with the Council any intention to develop.

Expiry of authorisation document

42.-(1) A developer or proponent shall inform the Council of any change to the development or undertaking.

Developer to inform the Council of changes to the development undertaking

(2) Upon information received pursuant to sub-regulation (1), the Council shall decide whether—

- (a) an additional environmental impact assessment statement is required to be prepared; or
- (b) any extra work is needed to be done to supplement the existing environmental impact statement.

(3) Where an additional environmental impact assessment statement is required, a developer shall follow the procedures stipulated under regulations 13, 14, 15, 16 and 17.

(4) Where a supplement to the environmental impact statement is required, the Council shall advise the developer or proponent as to the nature of the additional information required and the developer or, as the case may be, the proponent shall submit such information to the Council.

(5) The Council shall circulate any information for review to any relevant Government agency and local government authority which

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shall send their comments to the Council within twenty days of receipt of the information.

Issue of
decision
letter

43. On receipt of any comment pursuant to Regulation 23, the Council shall issue a decision letter within ten days of the close of the period set for receipt of comments.

PART X

ENVIRONMENTAL AUDIT

Object-
ive of
environ-
mental
audit

44.-(1) The main objectives of environmental audit is to—

- (a) determine how far activities and programmes of activities and processes of a project or undertaking conform with the approved environmental and social management plan of that specific project or undertaking and environmental management practices and environmental quality standards;
- (b) provide a mechanism to learn from experience, and to refine design and implementation procedures of a project or undertaking so as to mitigate adverse environmental impacts; and
- (c) provide regulatory bodies with a framework for checking compliance with, and the performance of an Environmental and Social Management Plan, being part of Environmental Impact Assessment.

(2) For purposes of achieving the objectives stipulated under sub-regulation (1), the principle functions of an environmental audit shall be to—

- (a) improve an organization or activity's compliance with environmental legislation and regulations such as air emission standards, effluent standards, waste management standards, and standard operating procedures;
- (b) document an operation or activity's current environmental performance of operation and environmental management procedures, including emergency response planning, monitoring and reporting system and planning for future environmental performance;
- (c) prevent damage and the tendency for environmental damage;

- (d) confirm predicted impacts and implementation of Environmental Impact Assessment recommendations, as basis for improving the performance of environmental social and management plan and environmental assessment process;
- (e) improve resource use through reduction in material use, to minimize wastes and to identify recycling opportunities; and
- (f) increase actions undertaken or needing to be undertaken by an organisation or activity to meet environmental goals such as sustainable development, recycling and efficient use of resources.

45. Environmental audit shall be conducted primarily on the basic principles that—

Basic principles of environmental audit

- (a) any person who is responsible for an organisation or activity is obligated to maintain and preserve a harmonious balance between the ability of the environment to support activities and sustainable development;
- (b) an environmental audit is an effective management tool which, when intentionally undertaken, has been recognized as a highly beneficial method for operations and activities to manage their environmental impacts;
- (c) an environmental audit is a systematic, documented, periodic and objective assessment of the procedures and practices for managing environmental impacts;
- (d) an environmental audit enhances the search for effective solutions to environmental problems being faced by organisations and activities, and facilitates management control of environmental practices; and
- (e) environmental audits are conducted in a reputable and professional manner by persons certified and registered under the Environmental (Registration of Environmental Experts) Regulations, 2005.

46.-(1) An environmental audit study shall be undertaken on the types of projects specified in the Third Schedule to the Act and in the first Schedule of these Regulations.

Environmental audit

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(2) Notwithstanding subregulation (1), environmental audit shall be carried on the development activities which are likely to have adverse environmental impacts-

- (a) ongoing projects commenced prior to the coming into force of these Regulations; or
- (b) new projects undertaken after completion of an environmental impact statement.

(3) An environmental audit shall, unless it is a self-auditing study under Regulation 50, be conducted by a qualified and authorized environmental auditor or environmental inspector who shall be an expert or a firm of experts registered in accordance with the Environmental (Registration of Environmental Experts) Regulations, 2005.

(4) The Council shall require the proponent or a developer to undertake in the case of an ongoing project-

- (a) an initial environmental audit followed by subsequent environmental control audit studies as may be necessary at such times as shall be agreed upon by the Council and the proponent; and
- (b) an initial environmental audit to provide base in information upon which subsequent environmental control audit studies shall be based.

(5) Subject to sub-regulation (6), a proponent or a developer of a project that has undergone an environmental impact assessment shall within a period of twelve months of the commencement of the operations, and not more than twenty four months after the completion of a project whichever is earlier, undertake an environmental audit of the project or development.

(6) Environmental audit may be required sooner if the life of the project is shorter than the period prescribed under this Regulation.

(7) An environmental audit study specified under this regulation shall be conducted in accordance with the terms of reference developed by the proponent or a developer in consultation with the Council.

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(8) In carrying out the environmental audit study under this Regulation, the environmental auditor shall ensure that an appraisal of all the project activities, including the production of goods and services is carried out, gives adequate consideration to environmental regulatory frameworks, environmental health and safety measures and sustainable use of natural resources.

(9) An audit report compiled under this regulation shall include the following information-

- (a) the past and present impacts of the project;
- (b) the responsibility and proficiency of the operators of the project;
- (c) existing internal control mechanisms to identify and mitigate activities with a negative environmental impact;
- (d) existing internal control mechanisms to ensure the workers' health and safety; and
- (e) the existence of environmental awareness and sensitisation measures, including environmental standards, and regulations, law and policy, for the managerial and operational personnel.

47. In carrying out an environmental audit study, the environmental auditor shall comply with environmental regulations and environmental standards and such other international standards as shall be prescribed by the Council.

Compliance with standards

48. Steps to be followed for the conduct of environmental audit shall be as may be prescribed in the Guidelines made by the Minister in that respect.

Environmental audit steps

49.-(1) A control audit shall be carried out by the Council whenever the Council deems it necessary to check compliance with the environmental parameters set for the project or to verify self auditing reports.

Control audit

(2) A control audit shall-

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- (a) confirm that the environmental management plan of the project is being adhered to;
- (b) verify the adequacy of the environmental management plan in mitigating the negative impacts of a project; and
- (c) ensure that the criteria used for the audit is based on the environmental management plan developed during the environmental impact assessment process or after the initial audit.

(3) Notwithstanding the provision of Regulation 46, the Council shall direct that environmental audit be conducted after every five years following the date on which the last environmental audit was conducted on a any of the project or undertaking.

Self
auditing

50.-(1) In executing a project or development, after the environmental impact statement has been approved by the Minister, or after the initial audit of an ongoing project, the proponent or the developer shall take all practical measures to ensure the implementation of the environmental management plan by

- (a) carrying out self auditing annually;
- (b) preparing an environmental audit report after each audit and submitting the report to the Council annually or as may be prescribed by the Council; and
- (c) ensuring that the criteria used for the audit is based on the environmental impact assessment process or after the initial audit.

Conduct
of an
environ-
mental
audit

51.-(1) An environmental audit shall be carried out through questionnaires, and environmental site visits and test analysis and in the manner specified in this Regulation.

(2) In conducting an initial environmental audit, an environmental auditor shall-

- (a) consider the description of the project;
- (b) indicate the objective, scope and criteria of the audit;

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- (c) study all relevant environmental law and regulatory frameworks on health and safety, sustainable use of natural resources and on acceptable national and international standards;
- (d) verify the level of compliance by the proponent or the developer with the conditions of the environmental management plan;
- (e) evaluate the proponent's or the developer's knowledge and awareness of and responsibility for the application of relevant legislation;
- (f) review existing project documentation related to all infrastructural facilities and design;
- (g) examine monitoring programs, parameters, and procedures in place for control and corrective actions in case of emergencies;
- (h) examine records of incidents and accidents and the likelihood of future occurrence of the incidents and accidents;
- (i) inspect all buildings, premises and yards in which manufacturing, testing and transportation takes place within and without the project area, as well as areas where goods are stored and disposed of and give a record of all significant environmental risks associated with such activities;
- (j) examine and seek views on health and safety issues from the project employees, the local and other potentially affected communities; and
- (k) prepare a list of health and environmental concerns of past and on going activities.

(3) Where an environmental auditor is conducting a control audit, the environmental auditor shall—

- (a) consider the description of the project;

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- (b) indicate the objective, scope and criteria of the audit;
- (c) inspect all buildings premises and yards in which manufacturing, testing and transportation takes place within and without the project area as well as areas where goods are stored and disposed of and give a record of all significant environmental risks associated with such activities;
- (d) indicate the extent to which the environmental management plan corresponds to the planned arrangements and, if implemented, achieves the stated objectives;
- (e) identify any significant source of air pollution, water pollution, land contamination and degradation, local community disturbance, wildlife disturbance and health of the workers of the project; and
- (f) prepare a list of concerns of ongoing activities with recommendations.

Contents
of
environ-
mental
audit
report

52.—(1) An environmental auditor shall indicate in the audit report the measures that exist under the environmental management plan of the proposed project to bring the project up to an acceptable environmental standard and how environmental impacts will be addressed and controlled.

(2) An environmental audit report compiled pursuant to these Regulations shall contain—

- (a) a presentation of the type of activity being audited;
- (b) an indication of the various materials, including non-manufactured materials, the final products, and by-products, and waste generated;
- (c) a description of the different technical activities, processes and operations of the project;
- (d) a description of the national environmental legislative and regulatory frameworks on ecological and socio-economic matters relevant to that particular project or activity;
- (e) a description of the potentially affected environment on ecological and socio-economic matters;

- (f) a prioritisation of all past and ongoing concerns of the project;
- (g) an identification of all environmental and occupational health and safety concerns of the project;
- (h) an opinion on the efficacy and adequacy of the environmental management plan of the project;
- (i) detailed recommendations for corrective activities, their cost, timetable and mechanism for implementation;
- (j) an indication of the measures taken under the environmental management plan to ensure implementation is of acceptable environmental standards; and
- (k) a non technical summary outlining the key findings, conclusions and recommendations of the auditor.

(3) Without prejudice to sub-regulation (2), the environmental audit report shall closely be styled and contain the following information:

- (a) executive summary;
- (b) project's current status information;
- (c) audit objectives and scope;
- (d) audit protocol, criteria and methodology used;
- (e) findings and observations;
- (f) description of key issues including the discovered project strengths and weaknesses;
- (g) recommended actions;
- (h) conclusions;
- (i) list of documents used or cited as references; and
- (j) appendices (photographs, future Plan of Action, consultancy and the list of stakeholders consulted.

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(4) Environmental audit report shall be signed by each of the individual persons who conducted the environmental audit.

Review and verification of environmental audit report

53.—(1) An environmental audit report shall be reviewed by cross-sectoral advisory committee for purpose of establishing the accuracy and coverage of key issues and providing appropriate recommendations for remedial measures.

(2) Cross-sectoral advisory committee may conduct an on-site visit and consult stakeholders with a view to verifying the contents of the audit

(3) During the conduct of audit review, the developer or proponent may be invited to provide clarifications and further information as may be required by the cross-sectoral advisory committee.

Post audit orders

54. The Council may issue an improvement order for the carrying out of corrective measures for mitigating the environmental degradations revealed during any audit study.

Role of inspectors

55.—(1) An environmental inspector appointed or designated in accordance with the provisions of the Act may, at reasonable times, enter on any land, premises or facility of a project for the purposes of inspection, to examine records and to make enquiries on the project.

(2) A person who refuses to answer questions or refuses to avail documents or refuses to give other information legitimately sought by the environmental inspector commits an offence.

Audit petition by public

56. A member of the public may, after showing reasonable cause in writing, petition the Council to cause an audit to be carried out on any project.

PART XI
MONITORING

Monitoring by the Council

57.—(1) The Council shall in consultation with sector Ministry, Government Department, agency or institutions—

- (a) monitor environmental phenomena with a view to making an assessment of possible changes in the environment and their possible impacts:

- (b) monitor the operations of any industry, project or activity with a view to determining its immediate and long term effect on the environment;
- (c) except where a baseline survey has been carried out, cause the proponent to carry out a baseline survey to identify basic environmental parameters in the project area before implementation;
- (d) determine the parameters and measurable indicators to be used in monitoring of projects; and
- (e) conduct measurement of environmental changes that have occurred during implementation.

(2) The Council shall, in consultation with the relevant sector Ministry, Government Department, agency or institution monitor ongoing projects on a continuous basis using parameters and indicators as may be prescribed in the guidelines made by the Minister in that respect.

(3) The Council shall, upon detection of non-compliance with the conditions of approval of an environmental impact assessment certificate immediately, institute remedial action.

58.-(1) Where a Sector Ministry, Government Department, agency or institution has undertaken monitoring under Regulation 57, it shall submit a report to the Council, which report shall include the following—

Monitor-
ing
report

- (a) the name and address of proponent;
- (b) the name of the proposed project;
- (c) date of implementation of the proposed project;
- (d) the date of the last monitoring report, including the report findings, action taken and its result;
- (e) details of the environmental parameters to be monitored;
- (f) results of the actual monitoring exercise;

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- (g) new actions to be implemented including the criteria for the next evaluation; and
- (h) a non technical summary of findings, conclusions and recommendations.

(2) An environmental inspector may enter upon any land or premises for the purposes of monitoring the effects of any activities carried out on that land or premises upon the environment.

PART XII
GENERAL PROVISIONS

Regional
and
international
issues

59. Where a project or an undertaking is likely to have a transboundary impact, the developer or proponent shall, in consultation with the Director of Environment, ensure that appropriate measures are taken to mitigate any adverse impacts taking into account any existing treaties and agreements between the United Republic and the other States.

Offences

60.-(1) Notwithstanding any licence, permit or approval granted under any written law, any person who commences, proceeds, with, executes or conducts or causes to commence, proceeds with, executes or conducts any project or undertaking without approval granted under these Regulations commits an offence and on conviction shall be liable to the punishment prescribed under the Act.

(2) Any person who-

- (a) fails to prepare and submit a project brief to the Council contrary to these Regulations;
- (b) fails to prepare and submit an environmental impact assessment statement contrary to these regulations;
- (c) is in breach of any condition of any certificate issued under these Regulations;
- (d) fraudulently makes a false statement in a project report or environmental impact statement;
- (e) fraudulently alters a project brief or an environmental impact assessment statement;

- (f) fraudulently makes a false statement in an environmental audit; or
- (g) fails to inform the Minister of a transfer of an environmental impact assessment certificate in accordance with these Regulations;
- (h) fraudulently makes a false statement in an environmental audit; and
- (i) after an audit report is submitted fails to implement improvement order or any mitigation measures specified under Regulation 16,

commits an offence and on conviction shall be liable to a punishment provided for under the Act.

61.-(1) Any person who is aggrieved by—

Appeals

- (a) a refusal to grant an environmental impact assessment certificate or by a refusal to transfer an environmental impact assessment certificate under these Regulations;
- (b) the imposition of any condition, limitation or restriction on an environmental impact assessment certificate;
- (c) the revocation, suspension or variation of an environmental impact assessment certificate issued under these Regulations;
- (d) the amount of money which the person is required to pay as fees;
- (e) the imposition of any environmental restoration order or environmental improvement order on the project by the Council; or
- (f) the approval or reinstatement by the Minister of an environmental impact assessment certificate;

may within thirty days after the date of the decision against which he is dissatisfied, appeal to the Environmental Appeals Tribunal.

(2) A person aggrieved by a decision or order of the Environmental Appeals Tribunal may, within thirty days of such a decision or order, appeal against such decision or order to the High Court.

(3) The fact that approval is given in respect of an environmental impact assessment shall not be a defence to any civil action or to a criminal prosecution under any written law.

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- Registers** 62.-(1) The Council shall maintain the following registers—
- (a) a register of all environmental impact assessment certificates issued under these Regulations;
 - (b) a register of environmental impact statements;
 - (c) a register of monitoring reports;
 - (d) a register of environmental audit reports;
 - (e) a register of project briefs; and
 - (f) a register of approvals of applications seeking exclusion of proprietary information from public access.
- (2) The registers referred to in sub-regulation (1) shall be public documents maintained by the Council for inspection by any person upon the terms and conditions as the Council may specify.
- Guide-
lines** 63. The Minister may from time to time issue guidelines or orders to facilitate effective implementation of these Regulations.
- Projects
author-
ised
prior to
the com-
mence-
ment of
these
Regula-
tions** 64. Where, prior to the commencement of these Regulations, an authorising agency authorised any project or an undertaking, the developer or proponent shall carry out environmental audit
- Delega-
tion of
powers** 65.-(1) The Minister may, by an instrument published in the Gazette, delegate powers of approval of Environmental Impact Statement to the Director of Environment, local government authorities or to sector Ministries.
- (2) The Council may delegate to any local government authority or sector Ministry, the performance of any of the functions or duties of the Council under these regulations.
- Minister
may
amend
Schedules** 66. The Minister may amend any Schedules to these Regulations.

FIRST SCHEDULE

(Made under Regulation 6 (1))

TYPES OF PROJECTS REQUIRING AND NOT REQUIRING EIA

- (a) Type A -Project requiring a mandatory EIA.
Project is likely to have significant adverse environmental impacts and that in-depth study is required to determine the scale, extent and significance of the impacts and to identify appropriate mitigation measures.
- (b) Type B -Project requiring Preliminary Environmental Assessment Project is likely to have some significant adverse environmental impacts but that the magnitude of the impacts are not well-known, a preliminary environmental assessment is required to decide whether the project can proceed without a full environmental impact assessment.

A. LIST OF PROJECTS REQUIRING EIA (MANDATORY LIST)

1. Agriculture

- (i) Large scale cultivation.
- (ii) Water resources development projects (dams, water supply, flood control, irrigation, drainage))
- (iii) Large scale mono-culture (cash and food crops including floriculture)
- (iv) Biological Pest Control
- (v) Agricultural projects necessitating the resettlement of communities.
- (vi) Introduction of new breeds of crops.
- (vii) Introduction of Genetically Modified Organisms (GMOs)

2. Livestock and Range management

- (i) Large Scale livestock movement
- (ii) Introduction of new breeds of livestock including Genetically Modified breeds
- (iii) Introduction of new or alien foreign species
- (iv) Intensive livestock rearing areas

3. Forestry

- (i) Timber logging and processing
- (ii) Introduction of new tree species and development of forest plantations
- (iii) Selective removal of single tree species
- (iv) Biological pest control
- (v) Afforestation and reforestation for purpose of carbon sequestration
- (vi) Construction of roads inside forest reserve
- (vii) Commercial charcoal, firewood and other forest harvest operations
- (viii) Establishment of commercial logging or conversion of forested land to other land uses within catchments areas

4. Fisheries

- (i) Medium to large scale fisheries
- (ii) Artificial fisheries (Aqua-culture for fish, algae, crustaceans shrimps, lobster or crabs)

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- (iii) Introduction of new species in water bodies
 - (iv) Large scale fish farming including prawn farming
 - (v) Industrial fish processing and storage
 - (vi) Introduction of Genetically Modified fish species and other aquatic species
5. Wildlife
- (i) Introduction of new species
 - (ii) Wildlife catching and trading
 - (iii) Establishment of hunting blocks or areas, especially involving resettlement of communities
 - (iv) Translocation of wildlife
 - (v) New protected areas especially involving resettlement of communities
 - (vi) Wildlife ranching and farming
 - (vii) Zoo and sanctuaries
6. Tourism and Recreational Development
- (i) Construction of resort facilities or hotels along the shorelines of lakes, river, islands and ocean
 - (ii) Hill top resort or hotel development
 - (iii) Development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc) on islands and in surrounding waters
 - (iv) Hunting and capturing
 - (v) Camping activities walk ways and trails etc.
 - (vi) Major construction works for sporting purposes
7. Energy
- (i) Production and distribution of electricity, gas, steam and geo thermal energy
 - (ii) Storage of natural gas
 - (iii) Thermal power development (i.e. coal, nuclear)
 - (iv) Hydro-electric power
 - (v) Development of other large scale renewable and non renewable sources of energy
8. Petroleum industry.
- (i) Oil and gas fields exploration and development
 - (ii) Construction of offshore and onshore pipelines
 - (iii) Construction of oil and gas separation, processing, handling and storage facilities.
 - (iv) Construction of oil refineries
 - (v) Construction and/or expansion of product depots for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas.
 - (vi) Transportation of petroleum products
- 9 Transport and infrastructure
- (i) construction, expansion or rehabilitation of new trunk roads
 - (ii) construction, expansion or rehabilitation of airports and airstrips and their ancillary facilities
 - (iii) Construction of new, or expansion to existing railway lines
 - (iv) Construction of new, or expansion to existing shipyards or harbour facilities
 - (v) installation and expansion of communication towers

10. Food and beverage industries

- (i) Manufacture of vegetable and animal oils and fats
- (ii) Oil refinery and ginneries
- (iii) Manufacture of dairy products
- (iv) Brewing distilling and malting
- (v) Fish meal factories
- (vi) Slaughter -houses
- (vii) Soft drinks
- (viii) Tobacco processing
- (ix) Caned fruits, and sources
- (x) Sugar factories
- (xi) Other aglo-processing industries

11. Textile industry

- (i) cotton and Synthetic fibres
- (ii) dye for cloth
- (iii) ginneries

12. Leather Industry

- (i) Tanning
- (ii) Tanneries
- (iii) Dressing factories
- (iv) Other cloth factories

13. Wood, Pulp and Paper Industries

- (i) Large scale manufacture of veneer and plywood
- (ii) Large scale manufacture of fibre board and of particle -board
- (iii) Large scale manufacture of Pulp, Paper, sand-board cellulose -mills

14. Building and Civil Engineering Industries

- (i) Industrial and housing Estate
- (ii) Major urban projects (multi-storey building, motor terminals, markets etc)
- (iii) Construction and expansion/upgrading of roads, harbours, ship yards, fishing harbours, air fields and ports, railways and pipelines
- (iv) Developments on beach fronts

15. Chemical industries

- (i) Manufacture, transportation, use and storage and disposal of pesticide or other hazardous and or toxic chemicals
- (ii) Manufacture of pharmaceutical products
- (iii) Storage facilities for petroleum, petrochemical and other chemical products (i.e. filling stations)
- (iv) Production of paints, vanishes, etc
- (v) Soap and detergent plants
- (vi) Manufacture of fertilizers

16. Extractive industry

- (i) Extraction of petroleum
- (ii) Extraction and purification of natural gas
- (iii) Other deep drilling -bore-holes and wells
- (iv) Mining

17. Non-metallic industries (Products)

- (i) Manufacture of cement, asbestos, glass, glass-fibre, glass-wool and rubber etc
- (ii) Manufacture of plastic materials
- (iii) Lime manufacturing, tiles, ceramics

18. Metal and Engineering industries.
 - (i) Manufacture and assembly of motorized and non -motorized transport facilities
 - (ii) Body -building
 - (iii) Boiler -making and manufacture of reservoirs, tanks and other sheet containers
 - (iv) Foundry and Forging
 - (v) Manufacture of non -ferrous products
 - (vi) Manufacture of iron and steel
 - (vii) Electroplating
19. Electrical and electronic industries
 - (i) Battery manufacturing
 - (ii) Electronic equipment manufacturing and assembly
20. Waste treatment and disposal
 - (a) Toxic and Hazardous waste
 - (i) Construction of Incineration plants
 - (ii) Construction of recovery plant (off-site)
 - (iii) Construction of waste water treatment plant (off-site)
 - (iv) Construction of secure land fills facility
 - (v) Construction of storage facility (off -site)
 - (b) Municipal Solid Waste
 - (i) Construction of incineration plant
 - (ii) Construction of composting plant
 - (iii) Construction of recovery/re-cycling plant
 - (iv) Construction of Municipal Solid Waste landfill facility
 - (c) Municipal Sewage
 - (i) Construction of waste water treatment plant
 - (ii) Construction of marine out fall
 - (iii) Night soil collection, transportation and treatment
 - (iv) Construction of sewage system
21. Water Supply
 - (i) Canalisation of water courses
 - (ii) Diversion of normal flow of water
 - (iii) Water transfers scheme
 - (iv) Abstraction or utilisation of ground and surface water for bulk supply
 - (v) Water treatment plants
22. Land planning and development, land reclamation, housing and human settlements
 - (i) Resettlement/relocation of people and animals e.g. establishment of refugee camps
 - (ii) Development or expansion of industrial estates
 - (iii) Establishment of estates for residential/commercial purposes
 - (iv) Major urban projects(multi-storey building, motor terminals, markets etc)
 - (v) Construction or expansion of hospitals with large bed capacity
 - (vi) Land reclamation including land under water bodies

- (vii) Development of residential and commercial estates on ecologically sensitive areas including beach fronts
- (viii) Dredging of bars, greyones, dykes and estuaries

B: LIST OF SMALL-SCALE ACTIVITIES AND ENTERPRISES THAT REQUIRE REGISTRATION (MAY OR MAY NOT REQUIRE EIA).

- (i) Fish culture
- (ii) Small animal husbandry and urban livestock keeping
- (iii) Horticulture and floriculture
- (iv) Wildlife catching and trading
- (v) Charcoal production
- (vi) Bark for tanning processing
- (vii) Brewing and distilleries
- (viii) Bird catching and trading
- (ix) Hunting
- (x) Wildlife ranching
- (xi) Zoo and sanctuaries
- (xii) Tie and dye making
- (xiii) Salt pans
- (xiv) Urban agriculture.
- (xv) Hospitals and dispensaries, Schools, Community centre and Social halls, play grounds
- (xvi) Market places (livestock and commodities).
- (xvii) Blacksmiths
- (xviii) Garages
- (xix) Tile manufacturing
- (xx) Kaolin manufacturing
- (xxi) Livestock stock routes
- (xxii) Tobacco curing
- (xxiii) Sugar refineries
- (xxiv) Tanneries
- (xxv) Pulp plant
- (xxvi) Oil refineries and ginneries
- (xxvii) Artisanal and small scale mining
- (xxviii) Rural road

SECOND SCHEDULE

(Made under Regulation 9 (1))

PROJECT SCREENING CRITERIA

The following shall be screening criteria to be used for purposes of compliance with the requirements of these Regulations:

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

1. The project will not substantially use a natural resources in a way that pre-empts the use, or potential use, of that resource for any other purpose.
2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.
3. The type of project, its environmental impacts and measures for managing them are well understood in Tanzania.
4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.
5. The project will not displace significant numbers of people, families or communities.
6. The project is not located in, and will not affect, any environmentally sensitive areas such as:
 - (a) national parks;
 - (b) wetlands;
 - (c) productive agricultural land;
 - (d) important archaeological, historical and cultural sites;
 - (e) areas protected under legislation;
 - (f) areas containing rare or endangered flora or fauna;
 - (g) areas containing unique or outstanding scenery;
 - (h) mountains or developments on or near steep hill-slopes;
 - (i) dry tropical forests (e.g. *Brachystegia* woodlands);
 - (j) development near Lakes or its beaches;
 - (k) development providing important resources for vulnerable groups such as fishing communities along the lake-shore;
 - (l) development near high population concentrations or industrial activities where further development could create significant environmental problems; and
 - (m) prime ground-water re-charge areas or areas of importance for surface run off of water.
7. The project type will not result in:
 - (a) policy initiatives which may affect the environment such as changes in agricultural pricing subsidies or the tobacco liberation;
 - (b) major changes in land tenure; or
 - (c) changes in water use through irrigation, drainage promotion or dams, changes in fishing practices.
8. The project will not cause:
 - (a) adverse socio economic impact;
 - (b) land degradation water pollution;
 - (c) water pollution;
 - (d) air pollution;
 - (e) damage to wildlife and habitat;
 - (f) adverse impact on climate and hydrological cycle;
 - (g) air pollution; and
 - (h) creation of by-products, residual or waste materials which require handling and disposal in a manner that is not regulated by existing authorities.

9. The project will not cause significant public concern because of potential environmental changes. The following are guiding principles:

- (a) is the impact positive, mainly benign or harmful;
- (b) what is the scale of the impact in terms of area affected numbers of people or wildlife;
- (c) what is the intensity of the impact;
- (d) what will be the duration of the impact;
- (e) will there be cumulative effects from the impact;
- (f) are the effects politically controversial;
- (g) have the main economic, ecological and social costs been quantified;
- (h) will the impact vary by social group or gender; and
- (i) is there any international impact due to the proposal projects.

10. The project will not necessitate further development which is likely to have a significant impact on the environment.

THIRD SCHEDULE

FORMS FOR EIA

FORM No. I (Regulation 7)

Application Reference No.

THE ENVIRONMENT MANAGEMENT ACT, 2004
SUBMISSION OF PROJECT BRIEF

PART A
DETAILS OF PROPONENT

Name of proponent (Person or Firm) PIN No Address Name of contact person
Telephone No. Fax No. E-mail

PART B
DETAILS OF THE PROJECT

I. PROPOSED UNDERTAKING/DEVELOPMENT
Title of Proposal (general classification of undertaking)

Description of Proposal (nature of undertaking, unit processes [flow diagram], raw materials list of chemicals (source, types and quantities), storage facilities,

Environmental Impact Assessment and Audit

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wastes/by-products (solid, liquid and gaseous) -----
Scope of Proposal (size of labour force, equipment and machinery, installed/production
capacity, product type, area covered facility/proposal, market)

2. PROPOSED SITE

Location (attach a site plan/map) -----
Current zoning -----
Distance to nearest residential and/or other facilities -----
Adjacent land uses (existing & proposed)-----
Site description -----

3. INFRASTRUCTURE AND UTILITIES

Structures (buildings and other facilities)-----

Land required -----
Water (source, quantity)-----
Power (type, source & quantity) -----
Road Other major utilities (c.g. sewerage, etc.)-----

4. ENVIRONMENTAL IMPACTS

Potential environmental effects of proposed undertaking (both constructional and
operational phases).

5. OTHER ENVIRONMENTAL ISSUES

Potential significant risks and hazards associated with the proposal (including
occupational health and safety). State briefly relevant environmental studies already
done and attach copies as appropriate.

PART C

DECLARATION BY THE PROPONENT

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

.....

Name Position.....

Signature

On behalf of

Date

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

(Firm name and Seal)

PART D

DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual/firm)
Certificate of registration No.
Address
Tel Fax E-mail

PART E

FOR OFFICIAL USE

Decision of the Council
Comments

.....
Officer Sign Date

NB:

1. If the Project Brief does not contain sufficient information required under the Environmental Impact Assessment Regulations the applicant may be requested to give further information concerning the project or be notified of any defects in the application and may be required to provide the additional information.

2. Any person who fraudulently makes a false statement in a project report or alters the project report commits an offence.

Important notices: Please submit the following:

- (a) three copies of this form;
- (b) 10 copies of the project brief;
- (c) the prescribed fees to:

Director General,
The National Environment Management Council,
.....,
P.O. Box
Dar es Salaam .
Tel Fax.....
E-mail

Form No. 2

(Regulation 21)

Application Reference No.
FOR OFFICIAL USE

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

THE ENVIRONMENT MANAGEMENT ACT, 2004
SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

PART A

DETAILS OF PROPONENT

Name of proponent (Person or Firm)
PIN No.
Address
Name of contact person
Telephone No. Fax No.
E-mail ,.....

PART B

DETAILS OF THE ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

Title of the proposed project
Objectives and scope of the project
Description of the activities
Location of the proposed project
Proposed Environmental Management Plan

PART C

DECLARATION BY THE PROPONENT

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

Name
Position
Signature.....
On behalf of
Date

(Firm name and Seal)

PART D

DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual/firm)
Certificate of registration No.
Address
Tel Fax..... E-mail.....

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

PART E

FOR OFFICIAL USE

Decision of the Council
Comments
.....
.....

Officer Sign Date

NB: Please submit the following:

- (a) three copies of this form;
- (b) 10 copies of the project report;
- (c) the prescribed fees, to:
Director General,
The National Environment Management Council, ,
.....,
P.O. Box,
Dar es Salaam.
Tel Fax.....
E-mail

Form No. 3

(Regulation 34)

Application Reference No.

Registration No.

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
ENVIRONMENTAL IMPACT ASSESSEMENT

CERTIFICATE

This is to certify that Ms
.....
.....
.....of
address
.....
has this day been granted an Environmental Impact Assessment Certificate for the
proposed project/activity titled:
.....
Which is located at
.....

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

.....
This certificate shall remain in force during the whole lifecycle of this specific project unless henceforth revoked or suspended.
General and specific conditions and terms attached to this certificate are set out overleaf.
.....

Dated this day of 20

Signature

Minister Responsible for Environment.

Conditions of certificate:

1. This certificate is valid for a period oftime within which the project should commence) from the date thereof.
2. The Minister shall be notified of any transfer/variation/surrender of this certificate.
3. Observe all relevant national policies and legislation that guide this specific project throughout its life cycle.
4. Ensure safe disposal of all types of wastes (solid or liquid) in specified sites.
5. Ensure environmental sustainability by avoiding any form of pollution by using most viable management techniques.
6. Adhere to the Environmental Management Plan (EMP) and Monitoring Plan (MP) and constantly improve and update them by taking into account any new developments.
7. Constantly liaise with relevant authorities and consult stakeholders including local communities in case of any new development or changes as regards to implementation of your project plan or activities
8. Adhere to all proposed mitigation measures as specified in the Environmental Management Plan contained in the Environmental Impact Statement.
9. Abide to all national social and environmental safeguard policies and standards and strive to maintain and constantly improve standards.
10. Prepare an Emergency and Contingency plan and put in place risk and safety measures.
11. Conduct periodic Environmental Audits and facilitate monitoring by relevant authorities.
12. Design and implement an internal Environmental and Safety Policy and Awareness Programme.
13. Prepare Annual Environmental Reports and any other reports requested by competent a uthorities and the government.
14. Obtain all other relevant permits.

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

Form No. 4

(Regulation 27)

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON AN
ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

Pursuant to Regulation 27 of the Environmental Impact Assessment Regulations, the National Environmental Management Council (NEMC) has received an Environmental Impact Assessment statement from the implementation of the proposed project.....

.....

.....(brief description of project) located at

.....(locality) of

.....District. The said project anticipates the following impact

.....

(describe anticipated impacts and proposed mitigation measures).

The full report of the proposed project may be inspected during working hours at:

(a) The National Environment Management Council Headquarters,

(b)

(c)

NEMC invites members of the public to submit oral or written comments within..... days of the date of publication of this notice to assist the Council in the review process before it is submitted to the Minister for approval or disapproval of the project to:

(a) Director General, NEMC,

(b)

(c)

Dated this day of 20.....

Signature.....

(Seal)

Director General,
The National Environmental Management Council.

Form No. 5

(Regulation 35 (1))

Application Reference No.

Certificate No.

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004 APPLICATION FOR
VARIATION OF ENVIRONMENTAL IMPACT ASSESSMENT CERTIFICATE

PART A

PREVIOUS APPLICATIONS

No previous application for variation of an environmental impact assessment
certificate. *

The environmental impact assessment certificate was previously amended.*

PART B

DETAILS OF APPLICANT

Name (Individual or Firm)

Business Registration No.

Address

Name of contact person

Position of contact person

Address of contact person

Telephone No. Fax No.

E-mail

PART C

DETAILS OF CURRENT ENVIRONMENTAL IMPACT ASSESSMENT CERTIFICATE

Name of the current Environmental Impact Assessment certificate holder
.....

Application No. of the current Environmental Impact Assessment certificate
.....

Date of issue of the current Environmental Impact Assessment certificate
.....

PART D

PROPOSED VARIATIONS TO THE CONDITIONS IN CURRENT ENVIRONMENTAL IMPACT
ASSESSMENT CERTIFICATE

Conditions in the current Environmental Impact Assessment certificate
.....
.....

Proposed variation(s)

Reason for variation(s)

Describe the environmental changes arising from the proposed variation (s)

Describe how the environment and the community might be affected by the proposed variation (s)

Describe how and to what extent the environmental performance requirements set out in the EIA report previously approved or project profile previously submitted for this project may be affected

Describe any additional measures proposed to eliminate, reduce or control any adverse environmental impact arising from the proposed variation(s) and to meet the requirements in the Technical Memorandum on Environmental Impact Assessment Process

PART E

DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand the environmental impact assessment certificate may be suspended, varied or cancelled if any information given above is false, misleading, wrong or incomplete.

Name Position Signature

On behalf of Date
Company name and seal

Environmental Impact Assessment and Audit

GN. No. 349 (contd)

PART F

FOR OFFICIAL USE

Decision of the Council
Comments
.....
.....
.....
Officer Signature Date

Important notes
Please submit-

- (a) 3 copies of this completed form; and
- (b) the prescribed fees, to:
Director General,
The National Environment Management Council,
.....,
P.O. Box,
Dar es Salaam.
Tel..... Fax,
E-mail.....

*Delete where applicable

Form No.6 (Regulation 35 (2))
Application Reference No.
Certificate No.

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004 CERTIFICATE OF VARIATION OF ENVIRONMENTAL IMPACT ASSESSMENT CERTIFICATE

This is to certify that the Environmental Impact Assessment Certificate No.
Issued on(date) to.....
(name of individual/firm) of) (address) regarding
.....(title of project)
whose objective is to
.....
(briefly describe purpose) located at..... (locality and

Environmental Impact Assessment and Audit

GN. No. 349 (contd.)

District) has been varied to
.....
.....
.....
..... (nature of variation) with effect from
(date of variation) in accordance with the provisions of the Act.

Dated this day of 20.....

Signature

(Seal)

Minister Responsible for Environment .

Form No.7

(Regulation 36 (3))

Application Reference No.

Certificate No.

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
NOTIFICATION OF TRANSFER OF ENVIRONMENTAL IMPACT
ASSESSMENT CERTIFICATE

PART A

DETAILS OF CURRENT CERTIFICATE

Name of the current Environmental Impact Assessment certificate holder

.....
PIN No.

Address Tel:

Fax No. E-mail

Application No. of current Environmental Impact Assessment certificate

.....
Date of issue of current Environmental Impact Assessment certificate

.....

PART B

DETAILS OF THE TRANSFEREE

Name (Individual/Firm)

PIN No.

Address Tel.

Fax No. E-mail

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

Name of contact person
Capacity of transferee to run the project (financial, technological, manpower)
.....
.....
.....

PART C

REASONS FOR TRANSFER OF CERTIFICATE

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

PART D

DECLARATION BY TRANSFEROR AND TRANSFEREE

It is hereby notified that
of on this day of transferred
EIA certificate No. to of
..... who will assume his responsibility for all liability under this
project.

Transferor	Transferee
Name.....	Name.....
Address.....	Address.....
Signed.....	Signed.....

Date..... Date.....

PART E

FOR OFFICIAL USE

Approved/Not approved
Comments.....
.....
.....
Officer..... Signature..... Date.....

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

Important Notes:

1. Where an Environmental Impact Assessment certificate is transferred, the person to whom it is transferred and the person transferring it shall notify the Minister of the transfer.

2. The person holding an environmental impact assessment certificate assumes responsibility for the transfer of the certificate only in respect of the project to which this certificate was issued.

3. Any transfer of an environmental impact assessment certificate, shall take effect on the date the Minister is notified.

4. This Form must be submitted in quadruplets, with

5. Prescribed fees, to:

Director General,
The National Environment Management Council, .

.....
P.O. Box

Dar es Salaam.

Tel Fax

E-mail

Form No.8

(Regulation 36 (4))

Application Reference No.

Certificate No.

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
CERTIFICATE OF TRANSFER OF ENVIRONMENTAL IMPACT
ASSESSMENT CERTIFICATE

This is to certify that the Environmental Impact Assessment Certificate
No..... Issued on (date)
to..... (name of previous holder) of
.....(address) regarding
.....(title of project)

whose objective is to.....

.....
(briefly describe purpose) located at(locality and
District) has been varied to

(name of new holder) of(address)
with effect from (date of transfer) in accordance
with the provisions of the Act.

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

Dated this day of 20.....

Signature

(Seal)

Minister Responsible for Environment

Important notes:

1. The transferee as well as the transfer of a certificate under this regulation shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the certificate transferred.

2. The transfer or shall not responsible for any future liabilities or any obligations so imposed with regard to the certificate from the date the transfer is approved.

Form No. 9

(Regulation 37 (2))

Application Reference No.

Certificate No.

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
NOTIFICATION OF SURRENDER OF ENVIRONMENTAL IMPACT
ASSESSMENT CERTIFICATE

PART A

PROPONENT DETAILS

Name (Individual or Firm).....

PIN No.

Address.....

Name of contract person

Position of contract person.....

Address Tel Fax No.

E-mail

PART B

DETAILS OF THE CURRENT ENVIRONMENTAL IMPACT ASSESSMENT CERTIFICATE

Environmental Impact Certificate No.

Title of project under the current Environmental Impact Certificate.....

.....

.....

Environmental Impact Assessment and Audit

GN. No. 349 (contd.)

.....
Please state the following details of the Environmental Impact Assessment Certificate to be surrendered.

(a) scope/scale of project(s)

.....
(b) Conditions on the EIA certificate

.....

.....

.....

PART C

REASON(S) FOR SURRENDER

.....

.....

.....

PART D

DECLARATION BY PROPONENT

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

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

On behalf of
Company name and seal *Date*

PART E

FOR OFFICIAL USE

Recommendations

Comments

.....

.....

.....

Officer Sign Date

Important notes:

Environmental Impact Assessment and Audit

GN No. 349 (contd.)

Intent to surrender an environmental impact assessment certificate should be communicated to the Council at least six months before the date of surrender.

Form No. 10

(Regulation 37(4))

Application Reference No.

Certificate No.

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT ACT, 2004
CERTIFICATE OF SURRENDER OF ENVIRONMENTAL IMPACT
ASSESSMENT CERTIFICATE

This is to certify that the Environmental Impact Assessment Certificate No. Issued on(date) to (name of individual/firm) of(address) regarding(title of project) whose objective is to..... (briefly describe purpose) located at (locality and District) has been duly surrendered with effect from(date) to the Minister in accordance with the provisions of these Regulations.

Dated this..... day of 20

Signature

(Seal)

Minister Responsible for Environment

Important note:

A surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the certificate prior to the date of surrender.

Form No. 11

(Regulation 40)

Form No.

Reference No.

FOR OFFICIAL USE

ENVIRONMENTAL MANAGEMENT ACT, 2004
NATIONAL ENVIRONMENTAL MANAGEMENT COUNCIL 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.....

PART B

INFORMATION REQUIRED
(tick as appropriate)

- Project brief report
- Environmental Impact Assessment Statement
- Environmental Audit Report
- Environmental Monitoring Report
- Record of Decision (ROD) for Environmental Impact Assessment Approvals

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

Certificate for Environmental Impact Assessment

Environmental Impact Assessment Experts (Individuals)

DOCUMENT

Title of the document

Author

Year

HOW THE INFORMATION IS EXTRACTED ?

Reading.

Inspection/viewing

PURPOSE FOR REQUIRING THE INFORMATION

Educational

Research

Interested party

Affected party

Important note

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

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

FORM 12A

(Regulation 62 (1) (e))

REGISTER OF PROJECT BRIEFS SUBMITTED TO NEMC

Name of Proponent	Title of Project	Location of Project	Sector	Date Received	Status of Project	Signature of Filing Officer	Decision of NEMA

FORM 12B

(Regulation 62 (1) (b))

REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT SUBMITTED TO NEMC

Name of Proponent	Title of Project	Location of Project	Sector	Date Received	Status of Project	Signature of Filing Officer	Remarks

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

FORM 12D

(Regulation 62 (1)(d))

REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENT AUDIT REPORTS

Name of Project	Name of Proponent	Location of Project	Sector	Date Received	Status of Project	Signature of Filling Officer	Date	Remarks

FORM 12E

(Regulation 62 (1)(c))

REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENT MONITORING REPORTS

Name of Project	Name of Proponent	Location of Project	Sector	Date Received	Status of Project	Signature of Filling Officer	Date	Remarks

REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENT CERTIFICATE

Project Title	Name of Proponent	Location of Project	Value of Project (TShs.)	Certificate No.	Date Issue	Conditions Attached to Certificate (if Any)	Date Filed	Status of Certificate	Name of Filing Officer	Date and Signature of Filing Officer	Remarks

Environmental Impact Assessment and Audit

GN. No. 349 (contd.)

FORM 12F

(Regulation 62 (1) (f))

REGISTER OF APPLICATION FOR APPROVALS FOR EXCLUSION OF PROPRIETARY
INFORMATION FROM PUBLIC ACCESS

Title of Firm	Name of Proponent	Licence Register	Contact Address	Type of Proprietary Information	Status of Project	Signature of Filling Officer	Remarks

FOURTH SCHEDULE

(Made under Regulation 15)

STEPS FOR CONDUCTING ENVIRONMENTAL IMPACT ASSESSMENT

Steps 1: Project Registration and Screening

1. Developer or proponent submits a dully filled registration form and project brief to the Council as per Regulation 7.
2. Council shall then undertake a review of the project brief in accordance with Regulation 8.
3. Council undertakes the screening of the proposed project in accordance with Regulation 9 and undertake the screening in accordance with any guidelines that the Minister may issue for this activity.

Steps 2: Scoping

The developer, proponent, environmental experts or firm of experts shall undertake a scoping exercise in order to:

- (a) identify the main stakeholders that will be negatively or positively impacted by the proposed project;

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

- (b) identify stockholder's main concerns regarding the proposed project,
- (c) identify main project alternatives;
- (d) identify likely impacts, data requirements, tool and techniques for impact identification, prediction and evaluation;
- (i) identify project boundaries in terms of spatial, temporal and institutional aspects;
- (ii) environmental experts or firm of experts must ensure there is adequate stakeholder participation in this and all the other stages of the environmental impact assessment; and
- (e) the developer or the environmental experts or firm of experts prepares a scoping report and terms of reference for the environmental impact assessment of a proposed project and submits to the Council for approval.

Steps 3: Baseline Study

- (i) The environmental experts or firm of experts undertake detailed survey of the existing social, economic, physical, ecological, social-cultural and institutional environment within the project boundary area; and
- (ii) The consultant must ensure adequate stakeholder participation is engaged.

Steps 4: Impact Assessment

- (i) The consultant undertakes impact identification, impact prediction and evaluation of impact significance following a variety of appropriate techniques and approaches as specified in the guidelines issued under this Regulation.
- (ii) The environmental experts or firm of experts must ensure that concerns and views from stakeholders are fully taken into account during the assessment of impacts; and
- (iii) The environmental experts or firm of experts assesses all possible alternatives and their impacts and recommends most appropriate options

Steps 5: Impact mitigation and enhancement measures

- (i) environmental experts or firm of experts prepare impact mitigation measures for all negative significant impacts, either by elimination, reduction or to remedy them;
- (ii) environmental experts or firm of experts prepare enhancement measures for all significant positive effects arising from the project so as to increase the contribution from the project to social development and environmental conservation;
- (iii) environmental experts or firm of experts prepare Mitigation and Enhancement Plan for all significant negative impacts and positive effects, with details about institutional responsibilities and costs were appropriate; and
- (iv) environmental experts or firm of experts prepare a Monitoring Plan and Environmental and Social Management Plan with details about institutional responsibilities, monitoring framework, parameters, indicators for monitoring and costs of monitoring were appropriate.

Environmental Impact Assessment and Audit

G.N. No. 349 (contd.)

Steps 6: Preparation of Environmental Impact Statement

- (i) environmental experts or firm of experts prepare an environmental impact statement adhering to contents outlined in these Regulations;
- (ii) environmental impact statement must be accompanied with a stand-alone non-technical summary in both Kiswahili and English languages; and
- (iii) All technical details, including assessment methodologies, list of consulted stakeholders and their signatures, drawings and terms of references are put in the appendix.

Steps 7: Review of Environmental Impact Statement

- (i) Council reviews the Environmental Impact Statement adhering to the review criteria and any guidelines that may be issued under these Regulations;
- (ii) Council may call for a public hearing and public review of the Environmental Impact Statement in accordance with conditions and procedures stipulated under these Regulations; and
- (iii) Council shall submit review report to the Minister with its recommendations and all documents used in the review for approval or disapproval.

Steps 8: Environmental Monitoring and Auditing

The Council shall conduct environmental monitoring in order to evaluate the performance of the mitigation measures following the prepared Environmental and Social Management Plan as well as Monitoring Plan, thus:

- (i) monitoring include the verification of impacts, adherence to approve plans, environmental standards and general compliance of terms and conditions set out in the Environmental Impact Assessment certificate;
- (ii) developer can also undertake monitoring of the implementation of the project to ensure if mitigation measures are effective;
- (iii) both the developer and the Council collects data that can be used in future projects and for environmental management;
- (iv) Council and the developer undertakes environmental audits for the project;
- (v) mechanisms for stakeholder participation during the monitoring and auditing process must be defined and followed through;
- (vi) the auditing exercise may focus in the following areas:
 - (a) implementation/enforcement audit, which takes place when the Council verifies if the mitigation measures and levels of pollution are within limits
 - (b) performance/regulatory audit that entails identification of compliance to relevant legislation or safety standards
 - (c) impact prediction audits checks the accuracy and efficacy of the impact prediction by comparing them with monitored impacts.

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- (d) Council collects and compiles information arising from auditing for future use; and
- (e) developer collects data from the auditing and compiles information for project management and also for submission to the Council

Steps 9: Decommissioning

This is the end of the project life. The decommissioning report shall be prepared either as part of the environmental impact statement or separately, indicating how impacts will be dealt with, including costs of mitigation measures:

- (i) developer undertakes the decommissioning of the project as per the proposals stipulated in the environmental impact statement;
- (ii) Council shall continue to monitor implementation of the decommissioning plan, including rehabilitation of the land and other resources that were affected by the project; and
- (iii) The decommissioning report must ensure issues such as welfare of workers, resource users as well as their general livelihoods are not worse off as a result of the decommissioning.

Dar es Salaam
21st October, 2005

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