

United Republic of Tanzania

Assessing if notifications, consents, inspections and enforcement of transboundary movements of waste and take-back procedures for illegal traffic represent environmentally sound management.

Final Revision

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1 Introduction

At the eleventh meeting of the Basel Convention (BC) on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Conference of the Parties adopted a framework for the Environmentally Sound Management (ESM) of hazardous wastes and other wastes. The Conference of the Parties mandated an Expert Working Group (EWG) to further elaborate and implement actions that could be used by the Parties to the BC and other stakeholders when implementing ESM.

The EWG established this pilot project to conduct an assessment on how “Competent Authorities” and other relevant stakeholders could improve their procedures and working methods to ensure ESM. In this pilot project, the assessment would be conducted in three countries who volunteered to host the assessments, the Arab Republic of Egypt, the Republic of Madagascar and the United Republic of Tanzania.

The author of this report was retained by the United Nations Environment Program (UNEP) for a period of 6 months, between July 2014 and the end of January 2015, to conduct the assessment in these three countries. The author has over 10 years experience working with waste legislation and since 2007 has specialised in the monitoring, control and enforcement of transboundary waste movement regulations.

The ESM of hazardous wastes and other wastes is defined within the BC as *“taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes”*.

The classification of *“Hazardous Waste”* for the purposes of the BC is based on the origin and/or composition and characteristics of the waste, these wastes and their characteristics are listed in Annexes I, II, VIII and IX of the BC.

“Other Wastes” are those listed in Annex II of the BC, principally wastes collected from households and residues arising from the incineration of these wastes, i.e. incinerator ash.

1.1 Objectives

This report is specific to an assessment of how the “Competent Authority” of mainland Tanzania and other relevant stakeholders implement procedures and working methods to ensure ESM when:

- I. Assessing notifications and providing consent for the import, export or transit of hazardous waste or other waste,
- II. Carrying out inspections on transboundary movements of wastes,

- III. Returning shipments of hazardous waste or other waste deemed to be illegal traffic.

This report aims to make recommendations on how the “Competent Authority” of mainland Tanzania and other relevant stakeholders can improve their procedures and working methods to ensure ESM.

1.2 Scope

The scope of this report is limited to the control of wastes imported to, exported from or transiting through mainland Tanzania, in particular:

- I. The control of those wastes listed in Annex i and Annex ii of the BC,
- II. Waste with any of the hazardous characteristics listed in Annex iii of the BC,
- III. Any additional wastes defined as, or considered to be, hazardous by the domestic legislation of Tanzania and notified to the BC by the participating country.

This report will not assess or investigate the management of any wastes collected, disposed of or recycled/recovered within the national borders of Tanzania. Any controls or restrictions on non-hazardous wastes not specified in point 1.2(iii) above which are imported, exported or transit mainland Tanzania have also been excluded from the scope of this report. Radioactive wastes subject to other international instruments shall be excluded from the scope of this report as per Article 1.3 of the BC. The discharge of wastes from the normal operations of ships shall also be excluded from the scope of this report when such wastes are subject to other international instruments as per Article 1.4 of the BC. However, a footnote added to the Terms of Reference for this pilot project requested that projects previously undertaken by the participating countries should be considered and their findings build upon where relevant, specifically the analysis performed under the Probo Koala Programme in Madagascar and Tanzania.

In the absence of any testing prior to shipment, or sufficient packaging to prevent damage during shipment, the transboundary movements of electrical and electronic equipment (EEE) may result in intentional and/or unintentional illegal shipments of waste electrical and electronic equipment (E-waste). In addition, the demand for used spare parts of vehicles and the difference in the cost of labour between developed and developing countries can result in untreated End-of-life vehicles (ELVs) and EEE being declared as used vehicles or products and then shipped to be broken up for parts in the countries of destination. There are extensive transboundary shipments of used EEE, commonly found within or accompanying transboundary movements of used vehicles and the spare parts of used vehicles. Both E-waste and ELVs can be classified as hazardous waste or as having hazardous

waste characteristic and therefore, the transboundary movements of used EEE and used vehicles have been included within the scope of this assessment.

1.3 Methodology

This project was broken into three specific tasks 1) data collection, 2) data analysis and 3) reports and recommendations. There were three phases to the data collection task, the 1st was undertaken through the use of publicly available information via the internet. The 2nd phase of the 1st task involved drafting a detail questionnaire to be completed by the host country. The 3rd phase of data collection was completed through interviewing representatives from the “Competent Authority”, representatives from other national agencies and key stakeholders identified within the responses to the questionnaire. These interviews were conducted during a visit to mainland Tanzania by the author of this report.

Analysis of the information collected in the 1st phase of the data collection task identified gaps in the data leading to the development of the questionnaire. Analysis of the information supplied by the host country in their response to the questionnaire then lead to the selection of individuals for interview and the identification of workflows and systems to be assessed in greater detail during the course of the country visit. The data obtained from public sources and from the questionnaire was compared with information obtained in interviews and the observations of workflows and systems made during the country visit, any variations between procedures and practice was identified and analysed. A summary report was issued to the host country following the visit and prior to the completion of this report.

1.4 Summary

This report describes the current status within the host country under four headings: 1) Legislation 2) Notification & Consent Procedures 3) Inspection Procedures and 4) Take-back Procedures. This report shall undertake an evaluation of the effectiveness and efficiency of the procedures, workflows and practices in place under each of these four headings and includes recommendations for improvement where appropriate.

Following the initial collection of publicly available data, the questionnaire was developed to obtain a detailed understanding of the current procedures and work practices in Tanzania. On the 8th of July a draft copy of the questionnaire was issued to the project steering group for comment. The questionnaire was subsequently issued to Tanzania on the 16th of July 2014 requesting that it should be completed and returned by the 1st of August 2014. From the expected response to this questionnaire it was proposed to develop a country Mission Plan for the visit with a detailed itinerary of those to be interviewed and work practise to be

observed. In the absence of a response to the questionnaire a generic form of the Mission Plan was issued to Tanzania on the 3rd of September 2014, a copy is included in Appendix 3 of this report. On the 27th of October 2014 a completed copy of the questionnaire was received 4 working days in advance of the departure date for the country visit, a copy of the completed questionnaire is included in Appendix 4. Discussions and interviews were conducted in mainland Tanzania between the 5th and the 7th of November 2014 during a visit to Dar Es Salaam by the author of this report as per the itinerary included in Appendix 5. Following completion of the country visit a Summary Report was sent to the host country on the 9th of November 2014 and a copy is included in Appendix 6 of this report. The assessment in mainland Tanzania found that despite a comprehensive legal and institutional framework there is a critical lack of knowledge in relation to waste management within the country. The assessment also revealed that there are no clear roles or responsibilities assigned to any one agency for the purposes of monitoring and controlling transboundary movements of waste. The result being that no inspections of transboundary waste movements are conducted in the ports or at the points of origin/destination. There was a very low level of general awareness amongst the stakeholders in relation to the control procedures, waste shipment identification and safety issues in relations the potential risks of transboundary movements of hazardous wastes and other chemical products.

2 Current Status

2.1 Introduction

In the 2012 national census the United Republic of Tanzania had a population of 44.9 million people representing an annual population growth rate of ~3.0%, the urban centre with the largest population of 4.36million people is Dar Es Salaam¹, however, the greater Dar Es Salaam area has a far greater population. The country has a land area of 885,800km² with 1,424km of coastline; the country is bordered by Kenya; Mozambique and the land locked countries of Burundi; Democratic Republic of the Congo; Malawi; Rwanda; Uganda and Zambia². Since 2001 the Tanzanian economy has been growing in the region of 6% to 7% each year and currently exceeds 7% annually³.

In phase 1 of this project extensive use was made of the BC website and the National Reports submitted to the UN by Tanzania under Article 13.3 of the BC. Other projects facilitated by the UNEP also proved to be useful sources of information such as the gap analysis undertaken by the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE); the E-Waste in Africa project; the Mobile Phone Partnership Initiative (MPPI); the Partnership for Action on Computing Equipment (PACE) and as detailed in the scope of this project under section 1.2 above, the analysis performed under the Probo Koala Programme in Madagascar and Tanzania was also reviewed.

In recent years Tanzania has been the subject of numerous national and international studies and reports relating to waste management and its environmental impacts. None of these are specific to transboundary movements of hazardous wastes and the application of the conditions of the BC. Many of these reports and studies are very useful sources of information for developing an understanding of the nations waste management issues. One study of particular significance to this project is the *“Inventory Of Industrial Hazardous Waste In Tanzania”* published jointly in December 2012 by the National Environment Management Council (NEMC) and Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes. This report finds that the current storage facilities for industrial hazardous waste do not represent environmentally sound management and concludes that nationally Tanzania produces approximately 8,500tons of industrial hazardous waste per year.

¹ National Bureau of Statistics: <http://www.nbs.go.tz/>

² CIA Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html>

³ The World Bank <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>

A number of other reports were also found to be particularly informative sources on national issues relating to waste management within Tanzania. Two reports in particular are the *“Municipal Solid Waste Management In Dar Es Salaam”* report and the *“Hazardous Waste Issues In Developing Countries”* report including a specific case study on Tanzania. A full list of the websites and web links to these reports and other additional reading is included in Appendix 2. Where appropriate, the findings and/or recommendations of these reports and studies will be referred to and elaborated upon within this report.

In the annual National Reports, submitted under Article 13.3 of the BC, Tanzania has detailed a number of small medical waste incinerator facilities around the country. No details have been supplied over the years within these reports on the quantities or types of waste generated in the country. Tanzania has banned the import of all hazardous wastes and other wastes but no details have been supplied in the annual reports on the quantity or types of waste exported or of any wastes transiting through the country.

During the course of this country visit it was established that there is a significant lack of knowledge relating to whom the waste producers are, what types and quantities of wastes are produced or how and where these wastes are disposed of. The absence of a national database has resulted in limited information being provided within the annual National Reports. At the time of research, the links on the *“Tanzania Environmental Portal”* website were not working and no information relevant to this project was available through that source.

2.2 Legislation

The United Republic of Tanzania ratified the BC on the 6th of July 1993 and the legal and institutional framework for environmental management within mainland Tanzania is broadly governed by the Environmental Management Act 2004 (The Act).

The Act establishes a National Environmental Advisory Committee and within the Vice-President’s Office (VPO), the establishment of a Director of Environment. Section 15 of the Act states that the Director of Environment shall be responsible for co-ordinating, monitoring and assessing the activities of the relevant agencies to ensure environmental protection. Section 16 to 29 of the Act establishes NEMC and sets out its roles and responsible to carry out enforcement activities and to ensure compliance with the provisions of the Act through NEMC’s teams of inspectors distributed across 5 zones of the country in regional offices. The VPO is the BC *“Focal Point”* and the Division of Environment within the VPO is the *“Competent Authority”* for the purposes of the BC. In Zanzibar environmental issues are governed by the First Vice-President’s Office under the Department of Environment in the Revolutionary Government of Zanzibar.

The Act details specific roles and responsibilities for “Sector Environmental Co-ordinators” within each Ministry and for a “Regional Environment Management Expert” within each local government to act as the link between Ministries, local government and the Director of Environment in the VPO. Every district of local government is also required to appoint an “Environment Management Officer” and the local government’s roles and responsibilities in relation to waste management are also set out in this Act. Part XVI of the Act establishes “Environmental Inspectors” and details their comprehensive powers to ensure compliance with the provisions of the Act. The Act states that there shall be “Environmental Inspectors” employed by NEMC and the Act also allows for these “Environmental Inspectors” to be appointed by the Minister from the employees of local government, ministries or any other public institution. Section 174 of the Act states that NEMC shall establish a “Central Environmental Information System” to collate data from public and private sources. The Act continues to outline offences and penalties for non-compliance with the provisions of the Act and the associated regulations.

Part IX of the Act is specific to waste management in which Section 133 states that there shall be controls governing the import, export, transit and internal transport of hazardous wastes. This Section allows the Minister to make further regulations in relation to the management of hazardous wastes resulting in The Environmental Management (Hazardous Waste Control and Management) Regulations 2009. Part IV of these Regulations deal specifically with the transboundary movement of hazardous waste. These Regulations state that the Director of Environment shall be responsible for the administration of the BC controls for monitoring transboundary movements of hazardous waste and waste transiting through mainland Tanzania. It is explicitly stated that the Basel and Bamako Conventions shall apply, the import of hazardous wastes from non-African states is prohibited and the Regulations outline the requirements for any stakeholder wishing to export or transit hazardous wastes through mainland Tanzania. The transport of hazardous wastes exclusively within Tanzania is governed by these regulations and the transport of hazardous waste on inland waterway is prohibited.

The Act defines waste as *“any matter whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner to cause an alteration of the environment”*. Both the Act and the Regulations define hazardous waste as *“any solid, liquid, gaseous or sludge waste which by reason of its chemical reactivity, environmental or human hazardousness, its infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life or environment”*. A hazardous substance is defined as *“any gaseous, liquid, solid, chemical, waste, medicine, drug, plant, animal or micro organism which is likely to be injurious to human health, life or the environment”*.

The Industrial and Consumer Chemicals (Management and Control) Act No. 3 of 2003 prohibits the import of chemical wastes. This establishes the Industrial and Consumer

Chemicals (Management and Control) Regulations of 2012. It is the responsibility of the Government Chemist Laboratory Agency (GCLA) to enforce these regulations through the GCLA's teams of inspectors distributed across the country in 5 regional offices. At the time of the visit to the country the National Parliament was holding discussions on strengthening this legal framework to provide greater autonomy and more regulatory powers to the GCLA; this new legal instrument is expected to come into force in early 2015. The GCLA's roles and responsibilities are varied and non-specific to waste management. The GCLA works closely with the Ministry of Industry and Trade and acts as the state laboratory for most state agencies.

The East African Community (EAC) Council of Ministers introduced a ban on the export of used automobile batteries, lead scrap, crude and refined lead, and all other forms of scrap metals. In mainland Tanzania the ban prohibiting the export of used lead acid batteries is implemented by Order 204 of 2005.

Other legal instruments providing environmental protection include:

- Environmental Impact Assessment and Audit Regulations 2005
- Public Health Act No.1 of 2009
- Plant Protection Act No. 13 of 2007
- Occupational Safety and Health Act No. 5 of 2003
- Customs Management Act of 2004

2.3 Notification & Consent Procedure

The Director of Environment in the VPO is responsible for processing applications for the transboundary movement of waste made by stakeholders under the BC procedure of notification and consent. To date this office has received very few applications and those applications that have been received have mainly been for export shipments of waste originating from the Africa Stockpiles Program. In response to question 4 of the country questionnaire Tanzania stated that 1,000tons of waste were exported under the Africa Stockpiles Program in 2013. The Environmental Management (Hazardous Waste Control and Management) Regulations 2009 detail the procedures to be followed by stakeholders intending to undertake a transboundary waste shipment. These procedures are also set out in "Guidelines for Management of Hazardous Waste" published by the VPO, Division Of Environment in September 2013. The waste shipment applicant must pay the application fee to NEMC and must also obtain a certificate of environmental compliance from NEMC before the Director of Environment will consider the application. In response to question 23 of the questionnaire Tanzania stated that there are no more than three applications made each year for transboundary waste shipment.

2.4 Inspection Procedures

The Tanzania Ports Authority (TPA) owns and operates the seaports on the East Coast and the inland lake ports of Tanzania. There are 6 small seaports on the East Coast, Lindi; Kilwa; Mafia; Bagamoyo; Pangani and Kwale mainly servicing local coastal traffic. The three main sea ports on the East Coast are Tanga to the north, Dar Es Salaam and Mtwara in the south. There are numerous inland ports on Lake Victoria, Lake Tanganyika and Lake Nyasa providing transport links with neighbouring countries. There are railway links from the port of Dar Es Salaam linking lake ports on Lake Tanganyika and Lake Victoria where modern transshipment facilities have been built at Isaka, linking Mwanza with the port of Bell in Uganda. The port of Dar Es Salaam also benefits from direct rail links with the Kenyan railway system and the Tanzania Zambia Railway Authority (TAZARA) has access to the Zambian owned Zamcargo clearing and forwarding facility in Dar Es Salaam. The Malawi Government also operate cargo facilities in the port of Dar Es Salaam to speed up transiting cargo. The Zanzibar Ports Corporation is responsible for the management of Malindi Port in Zanzibar approximately 22 miles off the coast of mainland Tanzania. More than 90% of all trade in Zanzibar passes through this port⁴.

The TPA's 2013 Annual Statistics⁵ detail cargo in terms of Deadweight Tonnage (Dwt) and not the actual weight of the cargo. Although Dwt includes the weight of the cargo it may also include the likes of ballast, fresh water, fuel, crew and provisions. However, these figures can be extrapolated to provide percentages of traffic through each port from which Dar Es Salaam is clearly the largest port responsible for handling 78.3% of the country's exports and 94.3% of the imports, the majority of containerised shipments are within 20ft shipping containers. The seaport of Tanga is responsible for 4.4% of exports and 3.2% of imports with the seaport of Mtwara in the south handling 5.2% of exports and just over 0.5% of the nation's imports. The smaller coastal ports combined account for just under 0.2% of exports and 0.4% of imports. The inland lake ports when combined account for 11.6% of exports and just under 1.6% of imports, the port of Mwanza on Lake Victoria linking to Uganda being the busiest of these inland ports.

The TPA's 2013 Annual Statistics also shows that the main costal ports were services by 347 dry bulk cargo deep sea vessels; 477 deep sea container vessels and 138 liquid tankers with Dar Es Salaam handling the vast majority of this traffic. The port authority's annual report is also helpful as it shows the Dwt of imports, exports and transshipments passing through the port of Dar Es Salaam detailing the final country of destination. The figures in Table 1 below show the percentage of Dwt cargo by country of destination that passed through the port of Dar Es Salaam in 2013.

⁴ Zanzibar Ports Corporation <http://www.zanzibarportcorporation.com/>

⁵ TPA http://www.tanzaniaports.com/index.php?option=com_docman&Itemid=247

Table 1: Destination of cargo passing through Dar Es Salaam in 2013 as a % of Dwt.

	Tanzania	Zambia	D.R. Congo	Burundi	Rwanda	Malawi	Uganda	others
Imports	66.45	15.16	6.73	2.76	5.85	0.72	1.82	0.51
Exports	68.99	13.78	13.03	1.04	1.36	0.92	0.07	0.83
Transshipment	4.28	-	-	-	-	-	-	-

The Tanzania Revenue Authority's (TRA) Customs Officers and the Tanzania Standards Bureau (TSB) conduct routine inspections on import and export shipments within the port of Dar Es Salaam. The transshipments detailed in Table 1 above are not inspected by either Customs or the TSB in Dar Es Salaam. Neither the TRA nor the TSB have received any training in relation to waste shipments controls, safety issues or the identification of waste and they do not enforce any of the control procedures for transboundary waste movement.

The VPO do not have any inspectors to monitor transboundary waste movements as the general responsibility under the Act for compliance and enforcement is assigned to NEMC. No inspections on the transboundary movements of waste are conducted by NEMC in the ports or at any other location throughout the country. NEMC have only been involved in complaints relating to port operations such as the old practice of repacking bulk shipments of ammonia on the quayside. The GCLA have greater involvement in the port through the TRA and the TSB, however, the GCLA's involvement is primarily related to paperwork verification for hazardous chemical shipments and providing advice to the port authorities when shipments of hazardous cargo have been abandoned within the port.

The anecdotal evidence suggests that there is a significant and growing problem with the import of used electrical and electronic equipment (EEE). These shipments are predominantly containerised originating from various developed countries, however, some EEE also arrives in the back of used vehicles arriving in Dar Es Salaam from the England and occasionally from Germany. Evidence of this was observed in the port by the author of this report when inspecting some of these used vehicles. The EEE is untested prior to arrival and there are no guidelines for the standards that EEE must achieve to avoid re-classification as e-waste.

The office of the Director of Environment suggested that a new "disposal tax" on the value of imported used vehicles was having an impact on the volume of used vehicles being imported. This disposal tax depends on the age of the vehicle but increases up to 70% of the current value of the vehicle if greater than 8 years old. The tax is not currently ring-fenced to provide funding for environmental monitoring or compliance activities. The port authorities informed the author of this report that the tax was not having any effect on the volume of vehicles imported but further research would be needed to establish if this tax is effecting the age or quality of vehicle imported, or if the tax has resulted in an increase in the volume of used vehicle spare parts being imported. Furthermore, it is not clear if a used vehicle could be declared as "imported for spare parts" to avoid the import tax. At present

there are two main sources of used vehicle arriving into Tanzania, approximately 10,000 used vehicles per month from Japan and varying between 1,000 and 3,500 used vehicles per month from England. The vehicles from Japan are pre-inspected by an authorised agent of the TSB in the country of origin prior to dispatch and no additional cargo is allowed within these vehicles. This is not the case for used vehicles originating from Europe hence the quality is noticeable lower and these used vehicles are loaded with untested, unpacked EEE and assorted untested used vehicles parts. All vehicles must be cleared by TSB prior to leaving the port in Dar Es Salaam but the TSB has been given no guidance on differentiating waste from used vehicles/products and/or spare parts. Furthermore, the TSB has not been authorised to enforce the waste shipment regulations.

The author of this report observed a number of used vehicles originating from Europe that had been in the port for over a year as the importer had abandoned the vehicle and its cargo. The importers' individual reasons for each abandoned vehicle were not requested for the purpose of this report. The TPA intended to auction of the abandoned vehicles but was unsure what to do about the EEE/e-waste cargo as the TPA classified this as the importers personal effects.

The TPA advised the author of this report that Customs Officers currently scan 100% of all imported containers and by the end of 2015 a 2nd scanner will be installed at the port entrance enabling 100% of exports to be scanned also. Following the port visit an e-mail was sent to the Customs Officers who had attended a group meeting in the GCLA offices on the 6th of November 2014 requesting confirmation of this information but no response was received.

2.5 Take-back Procedures

No waste shipments have been returned to origin via the take-back procedure to date, however, Tanzania does have administrative the procedures to follow in the event of an illegal shipment being discovered. When the TSB uncover products imported into Tanzania that do not meet national standards these products are disposed of within Tanzania and are not re-classified as waste or returned to origin. The GCLA try to find alternative uses for any chemicals shipments abandoned in the port and for those that have gone out of date or degraded while in the port. If an alternative use cannot be found, these shipments of chemicals are disposed of in a cement kiln or sent to landfill within Tanzania. The table below details the shipments abandoned in the port and the method of disposal, the description of the cargo and methods of disposal was supplied by the TPA.

Table 2: Disposal of cargo abandoned in the port of Dar Es Salaam.

Year	Particulars of Cargo	Qty.	Place of Disposal
2010	Containerised Solid Waste	1,500 tons (equivalent of ~ 75 20ft containers)	Pugu Kinyamwezi landfill
2010	Match boxes loaded in various cartons	494pcs	Pugu Kinyamwezi landfill
2013	Sodium Hydroxide (EN24) and other unidentified chemicals	20ft container	Pugu Kinyamwezi landfill & Tanzania Portland Cement
2014	Expired toxic chemicals & plastic containers of unknown liquid.	20ft container 17 drums of expired chemicals and 20 plastic containers of unknown liquid	Awaiting response from GCLA
2014	Expired Hydrogen peroxide	20ft container 47 drums	Awaiting response from GCLA
2014	Expired batteries	20ft container	Awaiting response from GCLA
2014	Expired medication	20ft container	Pugu Kinyamwezi landfill
2014	Used tyres	40ft container	Advised by NEMC to use Tanzania Portland Cement but awaiting clarification of directive from Portland Cement.
2014	Used tyres	20ft container	Advised by NEMC to use Tanzania Portland Cement but awaiting clarification of directive from Portland Cement.
2014	Used tyres	20ft container	Advised by NEMC to use Tanzania Portland Cement but awaiting clarification of directive from Portland Cement.

3 Evaluation of Efficiencies and Effectiveness

3.1 Legislation

The legal and institutional framework for environmental protection within mainland Tanzania is comprehensive and addresses the requirements of the BC in full. However, without funding, the assignment of responsibilities, knowledge and a planned co-ordination of activities; the current lack of enforcement will prevent the use of this comprehensive legal and institutional framework to ensure the ESM of transboundary waste movements.

There is no legal definition within the Act; The Environmental Management (Hazardous Waste Control and Management) Regulations 2009 or The Environmental Management (Solid Waste Management) Regulations 2009 for “waste disposal” or “illegal waste activities”. Waste is defined as “*any matter which is discharged, emitted or deposited in the environment....*”, allowing for the potential argument that the material in question is not waste until the act of discharge or deposit takes place. This presents a potential loophole for abandoned shipments. The “*producer of waste*” is defined but neither the Act nor the Regulations define the “*holder of the waste*”; the “*Person organising the shipment*” or any other persons who may be held liable for a transboundary movement of waste in cases where the “*producer of waste*” cannot be identified. This may result in the state continuing to covering the cost of disposal for the shipments listed in table 2 above.

The Act requires that in each local government there will be an Environment Management Officer; anecdotal evidence suggests that budgets for environment protection are decreasing throughout the country and environmental protection is no longer as high on the agenda as it has been in the past. Therefore, there is little if any enforcement at local government level and NEMC’s limited funding cannot bridge this gap through its own regional offices. Despite the statutory obligation for NEMC to carry out enforcement activities and to ensure compliance with the provisions of the Act, NEMC’s budget restrictions limit its effectiveness. It should be noted that neither the Act nor the Regulations assign responsibility to any agency for monitoring transboundary waste movements with the exception of the administrative duties of the VPO.

Part VIII of The Environmental Management (Hazardous Waste Control and Management) Regulations 2009 details the segregation, collection and general management duties for e-waste arising within the country. Tanzania does not have any specific regulations covering transboundary movements of potential e-waste or End-of-Life vehicles, both potential sources of hazardous wastes. The TSB require that used vehicles from Japan are pre-inspected and not loaded with additional cargo but there is no similar requirement for used vehicles arriving from European countries resulting in distinct quality differences between the vehicles imported from either location. The quality standards and requirements for imported used vehicles should be the same regardless of the country of origin. No training to differentiate waste from used goods has been provided to any of the agencies involved in

monitoring the import of used vehicles and used EEE, no national guidance has been provided to those monitoring these imports or for those organising these imports.

The Environmental Management (Solid Waste Management) Regulations 2009 is not available on the BC website, the Tanzania Parliament website or on the VPO website. The only publicly available copy of this regulation is available on the NEMC websites and this is an incomplete draft copy showing the comments of one reviewer. Only 2,000 copies of the “*Guidelines for Management of Hazardous Waste*” were published in hard copy and at the time of the country visit this guidance document had not been made available on any government website. Until the time of the authors visit to the VPO’s Division of Environment, the GCLA had been unable to obtain a copy of these guidelines. The representative of the Division of Environment informed the author of this report that a copy of the completed regulations and a copy of the guidelines had been supplied to the VPO’s information technology department to be uploaded onto their website. The meeting with the VPO took place on the 5th of November 2014 and it is noted that as of the 12th of November 2014, a copy of the guidelines has now been uploaded on to the VPO website. A full version of the regulations has yet to be made available on any of the government websites.

To further enhance the ESM of transboundary waste movements, consideration should be given to adding a definition to national legislation for “*mixtures of waste*” as these wastes may not have the hazardous characteristics listed in Annex III of the BC, however, their environmentally sound management may require special consideration and should therefore be subject to the procedure of prior notification and consent.

Despite the comprehensive nature of the national legislation, it is not clear which one of the numerous agencies is responsible for the physical act of monitoring and inspecting transboundary waste movements. TRA and TSB have no assigned role in waste management; the GCLA is focused on non-waste hazardous chemical movements; the NEMC is focused on inspections and monitoring waste collectors, waste facilities and industrial emissions. The VPO are responsible for the administration of the notification and consent procedures but does not have any enforcement officers to conduct transboundary waste movement inspections.

3.2 Notification & Consent Procedures

There is limited experience due to the low level of notified waste movements, however, administrative procedures are in place. To verify the domestically relevant information provided in an application for the transboundary movement of waste under the procedure of notification and consent the VPO request the applicant to provide a certificate of compliance issued by NEMC. There is a critical lack of information regarding waste

management within the country and the movements of waste within, into and out of the country. Therefore, in the absence of transboundary waste movement inspections and without a certificate of compliance, a holder of waste may bypass the notification and consent procedure without too much trouble.

A number of ministries and industry representatives were clearly aware of the probation on the export of lead-acid batteries and yet VPO representatives have held discussions with potential exporters of lead-acid batteries destined for India. The VPO is the “National Focal Point” for the BC and this combines well with the VPO’s statutory role as the national co-ordinator under the Act, however, the roles, responsibilities and links with industry appear to indicate that NEMC is better suited to being nominated as the “Competent Authority” for the purposes of the BC. Regardless of which organisation is responsible for the notification and consent procedure, in Tanzania the same error is made as is evident in many developed countries.

The notification and consent procedure is not just an administrative function, it is an essential part of controlling transboundary movements of waste and therefore, prior to granting consent, each application needs to be reviewed by an Environmental Inspector with experience and current knowledge of the waste industry.

3.3 Inspection Procedures

The roles and responsibilities of the GCLA include assisting various government agencies with their technical expertise. It was clear that the GCLA staff are highly motivated and view protection of the environment as a key part of their work, however, the GCLA Officers should only be used for laboratory analysis and as scientific specialists who can assist NEMC and other stakeholders when required. The TRA Customs Officers and the TSB inspection officers currently have the greatest capacity to monitor transboundary waste movements but lack specialist training, authorisation and direction. Scanning 100% of all imports provides an unparalleled opportunity to identify and monitor transboundary waste movements. In the absence any guidance or regulation, the import of used vehicles, used vehicle parts and used EEE will remain a potential source of hazardous waste imports. Shipments transiting Dar Es Salaam destined for other countries or transiting through Zanzibar are not subject to any inspection.

At present no inspections or other enforcement activities are carried out at the ports, other border crossings or at sites of origin and destination to specifically monitor transboundary waste shipments.

Due to budgetary restrictions, NEMC currently provide authorisation to waste facility operators and waste collectors who voluntarily approach the organisation. NEMC’s limited resources to conduct routine follow-up audits and inspections on these stakeholders would

result in at best, limited improvements to the overall environmentally sound management practices within the waste industry. The stakeholders that voluntarily approached NEMC have been required to initiate operational, infrastructural and equipment improvements with significant financial costs to comply with the regulations. Meanwhile, those who continue to operate illegally are unregulated and without the additional financial cost imposed on them by the regulator and in the absence of enforcement activities these illegal operators have no incentive to comply with the regulation.

The VPO's and NEMC's objective would appear to be to provide authorisation to those who are brought to the attention of NEMC. Such a policy will be ineffective without the resources to conduct audits and routine inspections as it just legitimises an illegal operators business without making any changes to how that business is conducted. Routine inspections and enforcement activities builds relationships with the industry and opens flows of information on illegal activities and those in the industry know there industry better than anybody else. The requirement for NEMC to establish a "Central Environmental Information System" under Section 174 of the Act has not been followed through. The effectiveness of such a database will rely heavily on local knowledge at regional and local levels, local government officials and stakeholders within the industry will have the local knowledge to assist NEMC in identifying potential sources of waste within their functional areas.

3.4 Take-back Procedures

The take-back procedure has not been applied despite the identification of illegal waste shipments by the TPA as detailed in Table 2 above. It is common for those organising illegal waste shipments to declare their shipments as product, this may be the situation in Dar Es Salaam resulting in waste shipments been abandoned when off-loaded from the vessel.

The shipments detailed in Table 2 were only identified because the shipper has abandoned the shipment and the TPA were left to deal with what they thought was abandoned cargo. It would be reasonable to assume that numerous illegal transboundary waste movements are entering the country falsely declared as product and passing through the ports without being detected. In the absence of any transboundary waste shipment training and without clearly assigning responsibility to conduct these inspections it is not envisaged that the take-back procedure will be applied by the Competent Authority of Tanzania.

4 Recommendations

4.1 Legislation

The national legislators should seek the assistance of a legal professional with experience in transboundary movements of waste and assistance from the BC Implementation and Compliance Committee to ensure that the current national legislation is sufficient and enforceable throughout the United Republic of Tanzania. With 10 years of experience in ensuring compliance with environmental legislation and extensive experience in the law courts, the author of this report recommends that prior to the next amendment of the Act or Regulations, consideration be given to defining the following terms within the legislation to enhance enforcement capacity. Suggested definitions have been taken from existing European legislation and from the BC.

Environmentally Sound Management

“Taking all practicable steps to ensure that” all “wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.”

Holder of the waste

“*Shall mean the producer of the waste or the natural or legal person who is in possession of it.*” Thereby, allowing for a shipping agent, terminal operator, transport company etc. to be held liable for abandoned shipments when the original producer cannot be identified.

Illegal shipment

“Means any shipment of waste effected:

- a. without notification to all competent authorities concerned pursuant to this Regulation; or
- b. without the consent of the competent authorities concerned pursuant to this Regulation; or
- c. with consent obtained from the competent authorities concerned through falsification, misrepresentation or fraud; or
- d. in a way which is not specified materially in the notification or movement documents; or
- e. in a way which results in recovery or disposal in contravention of national or international rules;”

Mixture of wastes

“Means waste that results from an intentional or unintentional mixing of two or more different wastes and for which mixture no single entry exists in” Annexes I, II, VIII and IX of the BC. “*Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes*”. An example of a mixture of

waste is unsorted dry recyclable wastes consisting of mixture of paper, plastics, metals and textiles etc. requiring special attention to ensure its environmentally sound management.

Notifier

“Means any natural or legal person under the jurisdiction of that country who intends to carry out a shipment of waste or intends to have a shipment of waste carried out and to whom the duty to notify is assigned. The notifier is one of the persons or bodies listed below, selected in accordance with the ranking established in this listing:

- (i) the original producer, or
- (ii) the licensed new producer who carries out operations prior to shipment, or
- (iii) a licensed collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single notified location, or
- (iv) a registered dealer who has been authorised in writing by the original producer, new producer.”

Were an un-notified waste shipment is detected this definition would allow for others to be held liable if the person organising the shipment cannot be identified.

Waste

“Shall mean any substance or object which the holder discards or intends or is required to discard.” Thereby removing the current necessity for a disposal action to take place prior to a substance being classified as a waste.

Waste broker

“Is anyone arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste.”

Waste dealer

“Is anyone who acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste.”

Waste disposal

“Shall mean any of the operations listed in” Annex IV Section A of the BC.

Waste recovery

“Shall mean any of the operations listed in” Annex IV Section B of the BC.

4.2 Notification & Consent Procedures

Transfer of functions

Transfer the “Competent Authority” and its associated functions from the VPO to NEMC with the additional budget to manage the administration of the procedures.

Environmental Inspector’s role in the procedures

An Environmental Inspector or personnel with similar up to date knowledge of the waste industry must be given the opportunity to review each application prior to consent been granted.

The notification and consent procedure should not be considered to be an administrative function as it is a critical point to ensure ESM of transboundary movements. It should be remembered that in most countries this is an administrative function only and therefore, it is very plausible that nobody with the technical and practice experience will review any application prior to the start of the transboundary movement.

Accessibility to legislation and guidelines

- a) A copy of the complete regulation should be accessible and made available on the NEMC and VPO websites.
- b) A copy of the hazardous waste management guidelines should be accessible and made available on the NEMC website
- c) Links on the “Tanzania Environmental Portal” website should be active.

4.3 Inspection Procedures

Equipment

The Environmental Inspector must be supplied with the appropriate equipment to effectively carryout audits, inspections, other enforcement activities and follow-up investigations. The basic equipment must include personal protective safety equipment, mobile phone, digital camera, sampling kits, evidence bags, transport, access to laboratory analysis (or equipment) and the use of office space with computer equipment and internet access.

Assign Roles and Responsibilities

The Environmental Management Act 2004 assigns many roles and responsibilities for environmental management and the Environmental Management (Hazardous Waste Control And Management) Regulations 2009 assigns the responsibility for the administration of the notification and consent procedure to the VPO. No agency has specific statutory responsibility to physically monitor and verify transboundary waste movements.

Without this assigned responsibility and all stakeholders managing limited resources, no one stakeholder would voluntarily commit to this responsibility. This role must be clearly defined and assigned to specific stakeholders with the relevant funding to carry out this function.

Authorisation of TRA and TSB

TRA Customs Officers and the TSB inspectors should be authorised as Environmental Inspectors giving them the authority to carry out inspections on transboundary waste movements including shipment transiting through the country. Following identification of illegal waste movements or issues with notified waste movements, any follow-up investigation and/or enforcement activities should be carried out by a specialist Environmental Inspector from NEMC.

Current Resources

Make use of currently available resources to provide training for those agencies monitoring transboundary waste movements:

- a) Technical guidelines on transboundary movements of mobile phones, e-waste and used electrical and electronic equipment. In particular:
 - Recommendations contained in Section 4.2 and the Decision Tree in Appendix 4(b) of the *“Guidance document on the environmentally sound management of used and end-of-life mobile phones”* prepared by the Mobile Phone Partnership Initiative (MPPI), 2013.
 - Recommendations contained in Section 3.2 including the Decision Tree in Appendix IV(b) and the detailed packaging guidelines contained Appendix III of the *“Guidance document on the environmentally sound management of used and end-of-life computing equipment”* prepared by the Partnership for Action on Computing Equipment (PACE), 2013.

When training officials on how to monitor transboundary waste movements, emphasis should be given to the differentiation between waste and non-waste and the different shipment conditions required to ensure ESM. As of the 20th of November 2014, a *“Draft technical guidelines on transboundary movements of e-waste and used EEE”* was published on the BC website. This draft document focuses in particular on the distinction between waste and non-waste under the BC.

These new draft technical guidelines are in line with European Union Directive 2012/19/EU governing the transboundary movement of e-waste and used EEE and the distinction between both. On the 28th of October the “Competent Authority” of Ireland published a *“Guide for Shipments of Used Vehicles, Vehicle Parts and Electrical Equipment”* specifically providing guidance for the exporters. This document contains some useful sample shipping documents containing all the information required under the EU directive. The MPPI & PACE guidance should be applied to all used EEE and not restricted to mobile phones or computing equipment.

- b) *“E-learning Course on Hazardous Chemicals and Waste”*. This is an online free e-learning module training tool for a variety of enforcement officers on how to implement environmentally sound management when monitoring the transboundary movement of hazardous chemicals and wastes. This e-learning tool was jointly developed by INTRPOL and the Secretariat of the Basel, Rotterdam and Stockholm Conventions.
- c) The use of scanning equipment already installed within the ports. NEMC should make arrangements with the TRA to allow a NEMC officer to sit in the screen room of the scanner with Customs officers. The potential benefits include:
- Opening lines of communication and building relationships.
 - Exchange of technical knowledge between field operatives.
 - Exchange of information and joint enforcement, those involved with illegal transboundary waste movements will often be of interest to other law enforcement agencies.
 - Develop and understanding of how the Harmonized Commodity Description and Coding System could be used to help identify potential transboundary waste movements.
 - Increase awareness and the profile of transboundary waste movements
- d) Ring-fence funds from the imported used vehicle disposal tax to fund environmental enforcement activities within NEMC and at local government level. Investigate other potential sources of funding and environmental levies to be ring-fenced for enforcement activities.
- e) VPO to set key performance indicators (KPIs) for NEMC and local government in terms of audits and site inspections. These KPIs must be agreed and be achievable reflecting budgetary resources and staffing levels.

National workshop

A national workshop, facilitated by an experienced transboundary waste movement specialist and other national specialists involving all relevant regulatory stakeholders. This workshop should cover legislation and enforcement; documentation requirements and verification techniques; transboundary waste shipment identification and the differentiation between waste and used products; types of inspection; inspection techniques and equipment requirements; investigations techniques; evidence gathering; evidence management and report writing.

Regional working group

The competing ports in Kenya and Mozambique have a significant role to play when considering East Africa as a region. In association with the land locked counties of Burundi; Democratic Republic of the Congo; Malawi; Rwanda; Uganda and Zambia, the key regulatory stakeholders from each country should develop a regional working group, through the EAC and facilitated by the BC, to investigate the establishment of a regional task-force with specialists from relevant national agencies. The task force should be

focused on co-ordinating the monitoring and enforcement activities for transboundary waste movement within the region.

Probo Koala Programme

There is a need to implement the 3rd phase of analysis performed under the Probo Koala Programme in Tanzania for “the enhancement of implementation and enforcement capacity through training and capacity building” in relation to the ESM of hazardous wastes and chemicals within the ports of Tanzania. The GCLA have provided some training but as an employer, the TPA must also take responsibility and arrange for employee training.

4.4 Take-back procedures

The take-back procedure should be applied to the shipments detailed in Table 2 above. A returned transboundary waste shipment will be notified at national level acting as a red flag and will often result in enforcement action and/or prosecution for the exporters in the country of origin. If shipments are not detained and returned to origin, the practice will continue and the relevant competent authority in the country of origin may remain unaware of such shipments.

The VPO is currently the “Competent Authority” and co-ordinator of environmental activities, therefore, the TPA should be reporting abandoned shipments to the “Competent Authority” initially and the VPO can then request the assistance of NEMC, the GCLA or TSB prior to making a decision on the re-classification of these shipments as waste and initiating the take-back procedure.

4.5 General

Database

One of the main recommendations of the 2012 *“Inventory Of Industrial Hazardous Waste In Tanzania”* report was to develop a database for maintaining an inventory on hazardous wastes, in particular for the mining, petroleum and gas sector.

There is clearly a need to develop such a database and it should be expanded from the 2012 recommendations to include the identity of the producers/sources of all waste by name and by location, the types and quantities of wastes produced at each location, the methods and quantities of recovery/disposal and the management plans for wastes stored on-site. This database should also include details of waste brokers, waste dealers, collectors and authorised waste transport companies.

It is recommended that NEMC should be given the funding to develop this database as a priority project in accordance with its statutory obligations under Section 174 of the Act. Many agencies will already have a lot of the information required to establish an effective database. For example, the GCLA will have the details on the transboundary movement and use of hazardous chemicals; TRA will have the details on importers of specific cargo considered to be of concern such as used EEE, lead-acid batteries or tyres and both the TRA and the TSB will have details on the importers of used vehicles.

Although the 2012 report recommends updating this database every 5 years, this database should be continually improving and evolving to give a comprehensive view of waste management within the country. The database should be initiated with an amalgamation of existing knowledge and best estimates for missing data. The data should then be updated every year so that it will develop over a number of years into an accurate reflection of the waste management industry and the use/stockpiles of chemicals nationally.

There should be multi-agency access to the database and this information will facilitate the national reporting requirements and the development of national/regional chemical and waste management plans.

Auditing

To be effective, the environmentally sound management of transboundary waste shipments requires a joint approach to managing these shipments at source and destination, it is not effective to solely concentrate all efforts on monitoring these waste movements while en route. There is a joint role here for NEMC and the GCLA officers, both agencies should be trained in techniques for auditing documentation to trace waste disposal from industries within their respective fields.

“Mass balance” and “Cradle to grave” audits should be used to verify the documentary evidence. The results of these audits should be regularly updated on the national database above.

5 Conclusion

There is a comprehensive environmental legislative and institutional framework established within mainland Tanzania but the current monitoring and control of transboundary movements of hazardous wastes and other wastes is ineffective and cannot be said to represent environmentally sound management.

Funding is always a key requirement particularly when setting up an enforcement structure and as capacity develops; funding will remain a key requirement as the needs of the enforcement agency change and develop with the waste industry. The current low levels of notified waste shipments and the absence of a charging structure for non-hazardous waste movements will not provide the funds for an enforcement agency. The use of additional environmental levies should be investigated in addition to sourcing specific project funding from outside the country for projects such as the establishment of a national database or for national and regional workshops.

The activities of the institutions that have been assigned responsibilities within the legislation appear to lack central co-ordination. The roles and responsibilities to monitor and control transboundary waste movements have not been clearly defined within the legislation and therefore no one agency appears to be willing to accept responsibility for this role.

With the aid of specialist training there are existing structures that can be adapted at a minimal cost to introduce transboundary waste movement monitoring and controls. However, to be effective, the monitoring at the ports will need to be complemented by auditing at the sources and/or destinations of these transboundary waste movements. In addition to assigning roles, responsibilities and the co-ordination of activities, a primary objective should be gathering knowledge of waste production, management and movements within the country and the establishment of a national database to record this information. Without this information monitoring, controlling and the co-ordination of activities will never be fully effective.

6 Appendices

Appendix 1 - List of Abbreviations

BC	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
Dwt	Deadweight tonnage
EAC	East African Community Council of Ministers
EEE	Electrical & Electronic Equipment
ELV	End-of-Life Vehicle
ENFORCE	Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic
ESM	Environmentally Sound Management
E-waste	Waste Electrical & Electronic Equipment (WEEE)
EWG	Expert Working Group
GCLA	Government Chemist Laboratory Agency
NEMC	National Environment Management Council
MPPI	Mobile Phone Partnership Initiative
PACE	Partnership for Action on Computing Equipment
TAZARA	Tanzania Zambia Railway Authority
The Act	The Waste Management Act No. 20 of 2004
TPA	Tanzania Ports Authority
TRA	Tanzania Revenue Authority
TSB	Tanzania Standards Bureau
UNEP	United Nations Environment Program
VPO	Vice-President's Office

Appendix 2 - Internet Links, References & Further Reading

- Basel Convention <http://www.basel.int/>
- Central Intelligence Agency (USA) - CIC Factbook
https://www.cia.gov/library/publications/the-world-factbook/wfbExt/region_afr.html
- “Draft technical guidelines on transboundary movements of e-waste and used EEE”,
<http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/Ewaste/tabid/2377/Default.aspx>
- “E-learning Course on Hazardous Chemicals and Waste”
<http://synergies.pops.int/Default.aspx?tabid=3534> &
<http://www.interpol.int/en/News-and-media/News/2014/N2014-047>
- “E-Waste Disposal Challenges and Remedies: A Tanzanian Perspective, Waste Management - An Integrated Vision”, Daniel Koloseni and Faith Shimba (2012). Dr. Luis Fernando Marmolejo Rebellon (Ed.), ISBN: 978-953-51-0795-8, InTech, DOI: 10.5772/48094. Available from: <http://www.intechopen.com/books/waste-management-an-integrated-vision/e-waste-disposal-challenges-and-remedies-a-tanzanian-perspective>
- Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE)
<http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/ENFORCE/tabid/3479/Default.aspx>
- “Guide for Shipments of Used Vehicles, Vehicle Parts and Electrical Equipment”, National TFS Office, Dublin City Council, Ireland, 2014. <http://dublincity.ie/main-menu/services-water-waste-and-environment-waste-and-recycling-national-tfs-office/guide>
- “Guidance document on the environmentally sound management of used and end-of-life mobile phones”
<http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/MPPI/MPPIGuidanceDocument/tabid/3250/Default.aspx>
- “Guidance document on the environmentally sound management of used and end-of-life computing equipment”
<http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/PACE/PACEGuidanceDocument/tabid/3246/Default.aspx>
- “Hazardous Waste Issues In Developing Countries”, Kahn, Danielle J., Kaseva, M. E., and Mbuligwe, S. E., in Encyclopaedia of Life Support Systems (EOLSS), Developed under the Auspices of the UNESCO, Eolss Publishers, Paris, France,
<http://www.eolss.net/sample-chapters/c09/e1-08-03-00.pdf>

- *“Hazardous Waste Management – Case Study 1: Hazardous Waste Management in Tanzania - Retrospection and Future Outlook”*, M. E. Kaseva and S. E. Mbuligwe in Encyclopaedia of Life Support Systems (EOLSS), Developed under the Auspices of the UNESCO, Eolss Publishers, Paris, France, <http://www.eolss.net/Sample-Chapters/C09/E1-08-04-00.pdf>
- *“Inventory Of Industrial Hazardous Waste In Tanzania”*, The National Environmental Council of Tanzania & The Africa Institute for the Environmentally Sound Management of Hazardous and other Wastes , 2012, <http://africainstitute.info/wp-content/uploads/2013/03/Study-Inventory-of-HZW-in-Tanzania-31December-2012.pdf>
- Mobile Phone Partnership Initiative (MPPI) <http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/MPPI/Overview/tabid/3268/Default.aspx>
- *“Municipal Solid Waste Management In Dar Es Salaam”*, The World Bank, 2012, http://siteresources.worldbank.org/INTUSWM/Resources/463617-1202332338898/MSWM_Dar-es-Salaam.pdf
- National Environment Mangement Council <http://www.nemc.or.tz/>
- Partnership for Action on Computing Equipment (PACE) <http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/PACE/Overview/tabid/3243/Default.aspx>
- Probo Koala Programme <http://www.basel.int/Implementation/TechnicalAssistance/Archives/Enforcement/tabid/2555/Default.aspx>
- *“Solid Waste Management in Dar Es Salaam: Privatizing and Improving Revenue Collection”* International Oceans Institute, 2009, <http://www.ioiusa.net/view/article/141601/>
- Tanzania Environmental Portal <http://www.tanzaniaenvironment.go.tz>
- Tanzania Port Authority <http://www.tanzaniaports.com/>
- Tanzania National Bureau of Statistics <http://www.nbs.go.tz/>
- The Application of Economic Instruments for Management of Used Lead Acid Batteries (ULAB) in Tanzania http://africainstitute.info/reports/Tanzania%20Country%20Report_%20ULAB.pdf
- The Vice-Presidents Office <http://www.vpo.go.tz>

Appendix 3 - Mission Plan for visit to Tanzania

Mission Plan to Tanzania

From 4th to the 7th of November 2014

Arrive in Dar Es Salaam on Tuesday evening the 4th of November 2014

The following meetings are proposed dates and times and must be confirmed by the Basel Convention National Focal Point

Wednesday 5th November

09:30hrs – 11:00hrs Basel Convention Focal Point (or nominated representative)

- Discussion about the national implementation of the BC including a discussion about the main challenges to the effective implementation of BC at national level.
- Discussion about ongoing projects/work to improve the implementation of the BC.
- Discussion about planned or proposed projects/work that would assist with the effective implementation of the BC.
- Confirmation of the details to be discussed at the subsequent interviews.

11:15hrs – 12:45hrs Head of department/organisation (or nominated representative) with the responsibility for processing waste shipment notifications & consent.

- Confirmation of terminology used at a national level in the notification and consent procedure.
- Discussion about what are the main challenges to the notification and consent procedures.
- Discussion about what changes would benefit the notification and consent procedure:
 1. Legislative
 2. Policy/funding
 3. Operational
 4. Between departments and other organisations
- Discussion about communication flows within the organisation; with other competent authorities; with other national organisation/agencies and with the waste industry.
- Confirmation of the details to be discussed with administrative and/or technical personnel for this department.

14:00hrs – 17:00hr Administrative and/or technical personnel who implement the procedure of notification and consent

These interviews should ideally happen at the employees' place of work

- Brief overview of their respective roles and responsibilities in the notification/consent & movements of waste procedures.
- Step by step review of the workflows involved in the administration of notifications, consents and the movements of waste from the moment an application is received through to the completion of a notification.
- Discussion about how information is verified.
- Review samples of current applications, active notifications and recently completed notifications.
- Review of the recording system used for waste shipment movements.
- Discussion about communication flows within the organisation; with other competent authorities; with other national organisation/agencies and with the waste industry.
- Discussion about what changes would benefit the notification & consent procedure:
 1. Legislative
 2. Policy/funding
 3. Operational
 4. Between departments/organisations

Thursday 6th November

09:00hrs – 13:00hrs Heads of department/organisations (or nominated representatives) with the responsibility for inspection officers, Customs officers and transport & packaging safety Inspectors.

Answers given in the questionnaires by the participating countries may result in 1, 2 or 3 interviews being carried out under this section.

- Confirmation of terminology used at a national level and within different departments/organisations carrying out waste inspections.
- Discussion about the main challenges to operating an effective inspections unit.
- What changes would benefit the implementation of inspection services:
 1. Legislative
 2. Policy/funding
 3. Operational
 4. Between departments/organisations

- Discussion about communication flows within the organisation; with the competent authority; with other national organisation/agencies and with the waste industry.
- Confirmation of the details to be discussed with inspection personnel.

14:00hrs – 15:30hrs Port Authorities (relevant department head or nominated representative)

- Overview of the authority's role in waste shipments.
- Discussion about facilitating inspections/verifications of waste shipments and the associated costs.
- Facilities available for waste inspections
- Discussion about communication flows with regulatory authorities and with other national organisation/agencies involved in waste shipments and their control.

15:45hrs – 17:00hrs Inspection officers, Customs officers and transport & packaging safety inspectors.

Answers given in the questionnaires by the participating countries may result in 1, 2 or 3 interviews being carried out under this section.

- Overview of their respective roles and responsibilities in waste inspections/verifications/illegal shipments investigations and take-back of illegal shipments.
- Discussion about the main challenges to conducting effective inspections.
- What changes would benefit effective waste inspection and controls on waste shipments:
 1. Legislative
 2. Policy/funding
 3. Operational
 4. Between departments/organisations
- Discussion about the identification of waste shipments.
- Discussion about the selection process for inspection/verification of waste shipment documentation.
- Discussion about the selection process for physical inspection/verification of waste.
- Overview of the recording of inspections/verification.
- Discussion about personal health & safety, and environmental risks identification.
- Procedure for securing a shipment.
- Procedure for dealing with an illegal shipment.
- Procedure for dealing with a shipment subject to the take-back procedure.

- Discussion about information gathering and sharing knowledge of the waste industry and shipment activities.
- Discussion about communication flows within the organisation; with other competent authorities; with other national organisation/agencies and with the waste industry.

Friday 7th November

09:00hrs – 13:00hrs Continue with Inspection officers, Customs officers and transport & packaging safety inspectors.

14:00hrs – 17:00hrs Waste industry representatives

- Discussions with logistics and/or compliance managers (or nominated representatives) about the implementation of the BC.
- Main challenges to operating the enterprise in accordance with the requirements of the BC.
- Discussion about the administrative requirements for shipments of waste.
- Discussion about the control of shipments of waste by the regulatory authorities.
- What changes would benefit effective implementation of the BC:
 1. Legislative
 2. Policy/funding
 3. Enforcement
 4. Operational
- Discussion about communication flows with competent authorities; with other national organisation/agencies and with the waste industry.

Questionnaire for Tanzania

Assessing if notifications, consents, inspections and enforcement of transboundary movements of waste and take-back procedures for illegal traffic represent environmentally sound management

The main purposes of this questionnaire are:

- 1) To obtain all relevant legislation, documentation and national guidance relating to transboundary movements of waste within the jurisdiction of each country participating in the project.
- 2) The answers given should provide an understanding of the procedures, workflows, stakeholders involved and the information and resources currently used to monitor and control transboundary movements of waste.
- 3) The information supplied will be used to prepare for a visit to each of the participating countries where the information will be discussed in greater detail with those involved in the day-to-day transboundary movements of waste.

This questionnaire has been divided into four sections and each may be taken in isolation.

Section 1 Legislation & Guidance

The information requested in this section will give an understanding to the legal framework governing transboundary movements of waste within each jurisdiction. Reports have also been requested in this section to provide an overview of transboundary movements of waste within each jurisdiction. If specific reports are not available, please provide the relevant information in the response.

Section 2 Notification & Consent

The information requests in this section will give an outline of the administrative process followed throughout the transboundary movements of waste notification and consent procedure.

Section 3 Carrying Out Inspections

This section relates to the inspection and verification of transboundary movements of waste. If a number of organisations are involved in monitoring and/or carrying out inspections and verifications please request each organisation to complete this section as objectives may differ resulting in different methods and procedures.

Section 4 Take back procedure for illegal traffic

The information requested in this section will detail the management of illegal traffic and take back procedures in each jurisdiction. In this section please avoid giving details that may identify parties involved in illegal transboundary movements of waste.

Notes for completing this questionnaire.

If any of the legislation, documentation or national guidance requested in this questionnaire is publicly available on the internet please provide a website link, alternatively please supply the requested information in .pdf format. Information that is relevant and has not been requested should be included in the response with a brief explanation. Where there is not enough space provided for the answer to a question please attach additional pages marking them with the relevant question numbers.

Section 1

Legislation and Guidance

Q.1. Please supply copies of all current national legislation relating to the transboundary movement of hazardous wastes and non-hazardous wastes? Please identify the specific sections relating to the transboundary movements of waste.

(Alternatively, if publicly available, please supply the internet links)

Ans: The main legislation are;

i) The Industrial and Consumer Chemicals*(Management and Control) Act, No 3 of 2003, Sections 43 -44 Prohibition to import chemical waste- Section 43(1), to repackage Section 43(11).

Industrial and Consumer Chemicals*(Management & Control) Regulations, 2012- (Regulation 29- registration of disposal facilities)

ii) Environmental Management Act* No. 20 of 2004, Sections 133-139 and Section 180

Environmental Impact Assessment and Audit Regulations, 2005 and 2009

Environmental Management (Fees and Charges) Regulations, 2008

Environmental Management (Hazardous Wastes Control & Management) Regulations, 2009 (Regulations 11- 23)

iii) Public Health Act*, No.1 of 2009- Sections 35 -51, Schedules 5-8

iv) Plant Protection Act No.13 Of 2007- Management of Pesticides Sections 20, 37,38, 42 (1),

Plant Protection Regulations of 1999 (Regulations. 36-37)

v) The Occupational Safety and Health Act No. 5 of 2003

vi) EAC Customs Management Act of 2004

*Internet link: Bunge.go.tz, Parliament.go.tz (for all Principal Legislation)

Q.2. Please supply copies of any guidance available to stakeholders intending to import, export or transit wastes through your national jurisdiction.

(Alternatively, if publicly available, please supply the internet links)

Ans: Guidelines:

Hazardous Waste Management Regulations of 2009 and

Hazardous Waste Management Guidelines (VPO) - draft

N.B. Registration of practitioners intending to handle (transport, store, treat, dispose off) chemical waste is to be done by the Registrar/Chief Government Chemist in line with ICCA.

Registration of practitioners providing solid waste management services is to be done by the Environmental Health Council established under the Ministry of Health and Social Welfare (Public Health Act)

Q.3. Please supply copies of any guidance available to stakeholders who monitor the import, export or transit of wastes through your national jurisdiction.

Ans: (Alternatively, if publicly available, please supply the internet links)

Hazardous Waste Management Guidelines (VPO)

Q.4. Please supply a copy of a recent annual report (or internet link) detailing the quantities of waste exported, imported or transited through your national jurisdiction. If possible, supply details of these waste movements by waste type/description, the country of origin and the country of destination.

Ans: Africa Stockpiles Programme 2013: 1000 Tonnes of pesticides shipped for disposal, 600T to the UK, and 400T contaminated soil to Poland. Ref. VPO/NEMC

Q.5. Are there regulations to specifically monitor or control transboundary movements of non-hazardous wastes?

Ans: Yes

If Yes please give details

Ans: Industrial and Consumer Chemicals*(Management & Control) Act, No 3, of 2003

Environmental Management (Hazardous Wastes Control & Management) Regulations, 2009 , Parts V, IX, X, XI,

The Public Health Act, No.1 of 2009 section 35-54

Q.6. Are there specific regulations or guidelines to monitor the transboundary movements of used electrical and electronic equipment?

Ans: [Yes](#)

If Yes, please give details:

Ans: [Environmental Management \(Hazardous Wastes Control & Management\) Regulations, 2009, Part VIII.](#)

[N.B. Proposed specific Regulations have been drafted under the EMA 2004](#)

Q.7. Are there specific regulations or guidelines to monitor the transboundary movements of used vehicles and used vehicle parts?

Ans: [Yes](#)

If Yes, please give details:

Ans: [Legislation governing customs and there are general Guidelines for management of hazardous waste](#)

Q.8. Please provide samples (or internet links) of the documentation that are required to accompany transboundary movements of hazardous waste and samples of the documentation that are required to accompany transboundary movements of other non-hazardous wastes.

Ans: [Environmental Management \(Hazardous Wastes Control & Management\) Regulations, 2009.](#)

www.nemc.or.tz

Q.9. Identify three private enterprises that are engaged in the import, export and/or transit of wastes through your national jurisdiction, please include at least one enterprise engaged in the transboundary movements of non-hazardous wastes.

Ans: Registered Company name: [NIRAS Company of FINLAND.](#)

Import, export and/or transit of hazardous wastes? Yes No

Import, export and/or transit of non-hazardous wastes? Yes No

Q.10. Do any bilateral, multilateral or regional agreements exist in relation to the transboundary movements of waste with any countries that is not party to the Basel or Bamako Conventions?

Ans: No

Section 2

Notification & Consent

Q.11. Which organisation(s) is /are responsible for processing applications for the transboundary movements of hazardous waste?

Ans: Vice President`s Office, Division of Environment, National Environment Management Council

Q.12. Which organisation(s) is/are responsible for granting consent to the transboundary movements of hazardous waste?

Ans: Vice President`s Office

Q.13. Outline the basic procedures to be followed by an applicant wishing to obtain consent for the transboundary movement of hazardous waste.

Ans: Export: Environmental Management (Hazardous Wastes Control & Management) Regulations, 2009 Part V

Q.14. What documentation is required with an application for the transboundary movement of waste?

Ans: Exportation of Hazardous Waste

Valid contract agreement between importer and exporter (generator)
Certificate of Environmental Compliance (ISO 14000) of importer
Insurance or financial guarantee

Fee and Charges receipt from NEMC
Valid Business Licence and TIN

Q.15. Outline each step of the process followed from the moment an application for the transboundary movement of waste is received and estimate the average time required for each step.

Ans: As outlined in: Environmental Management (Hazardous Wastes Control and Management) Regulations, 2009 , Part V

Q.16. What is the average time from receipt of an application to granting consent?

Ans: 60 days

Q.17. Following consent, how is the applicant informed?

Ans: By telephone if it is known, or by other subtle means

Q.18. Following consent, what other stakeholders are informed?

Ans: NEMC, Customs and other relevant institutions based on the nature/ type of the hazardous wastes

Q.19. Following consent, outline what steps the applicant is required to follow prior to the actual start of the transboundary movement of waste, during the transboundary movement and upon completion of the transboundary movement.

Ans: Refer Environmental Management (Hazardous Wastes Control & Management) Regulations, 2009 Part V

Q.20. Can an application for the transboundary movement of waste consist of multiple movements under a single consent?

Ans: No ✓___

Q.21. When a financial guarantee is required for a transboundary movement of waste, how is this calculated?

Ans: Insurance or financial guarantee is required, calculation is done by the Insurance company.

Q.22. On average, how many transboundary movements of waste applications require further information from the applicant following receipt of their application?

Ans: currently this data has not been followed up

Q.23. On average, how many transboundary movements of waste applications are received each year?

Ans: Not more than three.

Q.24. Are these transboundary movements of waste applications spread throughout the year or are they confined to specific time periods?

Ans: They are irregular.

Q.25. How are transboundary movements of waste applications received? (Post, e-mail, fax etc.)

Ans: By Post

Q.26. How many members of staff are employed to process transboundary movements of waste applications?

Ans: Employed staff at the Pollution Prevention Section, Division of Environment in The Vice President`s Office

Q.27. Please give a brief outline of the staff involved in processing applications and granting consent for the transboundary movements of waste, detailing if they are administrative or technical staff.

Ans: 13 Technical staff

Q.28. What qualifications and/or experience are staff required to have for different positions/responsibilities?

Ans: Most are graduates or postgraduates in Environmental Management Sciences

Section 3

Notification & Consent

Q.29. What organisation(s) is/are responsible for monitoring transboundary movements of waste?

Ans: Vice President`s Office (VPO), National Environment Management Council (NEMC), Government Chemist Laboratory Agency (GCLA), Occupational Health and Safety Agency (OSHA), Ministry of Health and Social Welfare (MOHSW), Ministry of Agriculture & Food Security (MOAFS). Prime Minister`s Office, Regional Administration and Local Government (PMO RALG) , Tanzania Atomic Energy Commission (TAEC).

Where multiple organisations are responsible for monitoring transboundary movements of waste please detail their different roles and responsibilities.

Where appropriate, if multiple organisations are responsible for monitoring transboundary movements of waste, please complete questions 30 to 42 separately for each organisation.

Ans: NEMC: Enforcement of EMA, including ensuring proper packaging and safety of the Environment

VPO: General coordination and communication with competent authority of importing party

OSHA: Enforcement of Occupational Safety and Health Act and its Regulations

GCLA: Enforcement of CAP 182.

MOHSW: Enforcement of PH Act & International Health Regulations

MOAFS: Control and management of pesticides

Q.30. What control procedures/tools are used to monitoring transboundary movements of hazardous wastes?

Ans: Environmental Management (Hazardous Wastes Control & Management) Regulations, 2009, Fourth schedule, Form No. 3.

Q.31. What control procedures/tools are used to monitoring transboundary movements of non-hazardous wastes?

Ans: EMA solid waste Management Regulations of 2009, First Schedule, Form No. 3

Q.32. Are transboundary movements of waste inspected in transit? Yes No

If No, please continue to question 36.

If Yes, are these inspections:

Ans: i) Document/paperwork verification Yes No

ii) Physical/visual inspections of waste characteristics Yes No

iii) Analytical inspection taking samples of the waste Yes No , as found appropriate.

If Yes, please give details of the location(s) where these inspections take place.

(e.g. sea ports, roadside checkpoints, border crossings)

Ans: At ports of entry/ exit

Q.33. What techniques and information sources are used to identify transboundary movements of waste for inspection/verification?

Ans: Export: Movement documents.

Import: Movement documents.

Transit: Movement documents.

Q.34. Outline the steps taken when carrying out an inspection following the identification of transboundary movements of waste.

Ans: Document/paperwork verification- Movement documents

Physical/visual inspections of waste characteristics- as appropriate

Analytical inspections taking samples of the waste- as appropriate

Q.35. Please detail the facilities and equipment that are available when conducting an inspection on a transboundary movement of waste.

Ans: Depending on the nature of the waste, PPE, sampling equipment.

Q.36. Please complete the table A, B and C below. Where no inspections have taken place please enter "0", if no data is available please enter "?".

Ans: No data are available

Q.37. How many transboundary movements of waste were found to contravene the transboundary waste movement regulations?

Ans: NA

Q.38. How are non-compliances/contraventions of transboundary movements of waste classified? If they are classified differently depending on the severity of non-compliances/contraventions please give details.

Ans: NA

Q.39. Detail the different enforcement actions/tools that can be used when non-compliant transboundary movements of waste are identified?

Ans: Penalties and sanctions according to Ref. 1-5, mainly according to Environmental Management (Hazardous Wastes Control & Management) Regulations, 2009, Regulations 47- 50, ICCA, Section 59 and Plant Protection Act , 2007.

Q.40. How many individuals monitor transboundary movements of waste?

Ans: Inspectors in all ports of entry

ii) Do these individuals specialize in transboundary waste shipments? Yes ____ No ____

Ans: No

iii) If these individuals do not specialize in transboundary waste shipments please give brief details of their other roles and responsibilities.

Ans: (i) NEMC-Environmental Inspectors and officials

(ii) VPO-Division of Environment Official; trained in environmental inspections

(iii)GCLA-Chemical Inspectors at all ports of entry, trained in inspection of chemicals

(iv) Ministry of Health and Social Welfare - Health Inspectors

(v) Ministry of Agriculture and Food Security- Pesticide Inspectors.

Q.41. What qualifications and/or experience are staff required to have to monitor and/or inspect/verify transboundary movement of waste?

Ans: According to the applicable Legislation listed in Question 1. eg Chemicals inspectors of GCLA appointed in accordance to Industrial and Consumer Chemicals Regulations 2012, Regulation 25, Environmental inspectors, NEMC officials and VPO- DoE.

Q.42. What is the geographical distribution of the individuals who monitor transboundary movements of waste?

Ans: Chemical, Health and Pesticide Inspectors are located at all official ports of entry/exit listed in Industrial and Consumer Chemicals Regulations 2012, Regulation 11.

Q. 43. Please indicate in the table below the main routes for transboundary movements of waste in and out of your national jurisdiction.

Ans: Land (road & rail) (Bulk /Containerized), Sea (Bulk/Containerized) and Air Hazardous Wastes/Non-hazardous /Wastes- All are possible routes

Q. 44. How many shipping ports are used for international cargo?

Ans: 3 Main Sea Ports Dar es Salaam, Tanga and Mtwara. Other Ports as listed in Regulation 11 of the ICCA- CAP 182 Regulations of 2012.

Q.45. Give a brief description of the types of cargo passing through each of the international cargo ports (Containerised, dry bulk, roll-on roll-off, petroleum etc.) and identify the deepwater

Ans: All types of cargo

Section 4

Take back procedure for illegal traffic

Q.46. When an illegal transboundary movement of waste is identified or suspected, outline the procedure that is applied?

Ans: According to legislation listed in question1 and depending on nature and type

Q.47. When an illegal transboundary movement of waste is identified or suspected, is the shipment detained? Yes ____ No ____

Ans: Yes No

If Yes, please detail how it is detained:

Ans: According to legislation listed in question1 and depending on nature and type

Q.48. When an illegal transboundary movement of waste is identified or suspected, who carries out the investigation?

Ans: Normally a Team would be formed by the Government, the roles depending on the various mandates and issue to be addressed.

Q.49. If more than one organization / agency / ministry is involved in the investigation, what are their roles and responsibilities?

Ans: Normally a Team would be formed by the Government, the roles depending on the various mandates and issue to be addressed.

Q.50. How many illegal transboundary movements of waste were identified in the last five years?

Ans: None

Q.51. How many illegal transboundary movements of waste have been returned to origin in the last five years?

Ans: None

Q.52. Who is held liable for an illegal transboundary movement of waste?

Ans: The importer/ exporter or consignee.

Q.53. If the person(s) detailed in question 52 cannot be identified, who is liable?

Ans: Shipping Agent,

Please identify the legal framework allowing others to be liable.

Ans: The industrial and Consumer chemicals (Management and control) Act, No. 3 of 2003, the Environmental Management Act, 2004 and Environmental Management (Hazardous Waste control and Management) Regulations, 2009.

Q.54. When an illegal import or transit of waste is detected within your national jurisdiction, is the competent authority of dispatch notified? Yes No

Ans: Yes

If Yes, please detail how the competent authority of dispatch is notified:

Ans: Through telephone, letter, email of fax

Q.55. What are the penalties and fines applied to illegal transboundary movements of waste?

Ans: According to legislation listed in Question 1 and depending on nature and type

Q.56. Are there time limits to imposing fines or initiating legal action?

Ans: legal action is initiated within 24hrs according to legislation listed in question 1 and Criminal Procedure Act, Cap 20

Q.57. Please give brief details of fines or legal action taken including penalties applied when cases of illegal transboundary movements of waste have been detected.

Ans: According to legislation listed in question 1 or Criminal Procedure Act, Cap 20

Q.58. What are the main challenges to identifying illegal transboundary movements of waste?

Ans: Inadequate human, financial and physical resources and infrastructure, weak coordination among relevant stakeholders and weak enforcement of legal frameworks.

Q.59. When an illegal transboundary movement of waste is identified, what are the main challenges to returning the shipment to origin? Please give examples where possible without identifying the parties involved.

Ans: (i) Cost of returning the an illegal transboundary movement of waste

(ii) Getting Consent to returning country

Appendix 5 - Itinerary prepared by host country for consultant's visit

5th – 7th November, 2014

PROVISIONAL PROGRAM

VISITS OF UNEP CONSULTANT FOR ESM- TBM PROJECT

DATE/ TIME	PLACE/ ITEMS	RESPONSIBLE
5 th Nov. 2014 09.30- 10.30	Meeting with the Permanent Secretary and the Chief Medical Officer MoHSW Courtesy call and introduction of Consultant and ESM-TBM	CGC
5 th Nov. 2014 11.00- 12.45	Division of Environment, Vice President`s Office Attn: Director for Environment Basel Convention Focal Point <ul style="list-style-type: none"> • Discussion about the national implementation of the BC : including a discussion about the main challenges to the effective implementation of BC at a national level • Discussion about ongoing projects/work to improve the implementation of BC • Discussion about planned or proposed projects/work that would assist with effective implementation of BC • Confirmation of the details to be discussed at the subsequent interviews. 	GCLA / VPO
	Department/organization responsible for processing waste shipment notifications & consent. <ul style="list-style-type: none"> • Confirmation of terminology used at a national level in the notification and consent procedure. • Discussion about what are the main challenges to the notification and consent procedures. • Discussion about what changes would benefit the notification and consent procedure: <ol style="list-style-type: none"> 1. Legislative 2. Policy/funding 3. Operational 4. Between departments and other organizations 	GCLA / VPO

	<ul style="list-style-type: none"> • Discussion about communication flows within the organization; with other competent authorities, national organization /agencies and with the waste industry. • Confirmation of the details to be discussed with administrative and/or technical personnel 	
5 th Nov., 2014 14:00– 17:00	<p>VPO/ DoE- Attn. Director for Environment NEMC- Attn. Director for Compliance and Enforcement GCLA- Attn. DCM/MEZL</p> <p>Administrative / technical personnel who implement the procedure of notification and consent</p> <ul style="list-style-type: none"> • Brief overview of their respective roles and responsibilities in the notification/consent & movements of waste procedures. • Review of the workflows involved in the administration of notifications, consents and the movements of waste from the moment an application is received to the completion of a notification. • Discuss about how information is verified. • Review samples of current applications, active notifications and recently completed notifications. • Review of the recording system used for waste shipment movements • Discussion about what communication flows within the organization; with other competent authorities; with other national organization/agencies and with the waste industry. • Discussion about what changes would benefit the notification & consent procedure: <ol style="list-style-type: none"> 1. Legislative 2. Policy/funding 3. Operational 4. Between departments/ organizations 	NEMC / VPO / GCLA
6 th Nov., 2014 09:00– 13:00	<p>VPO/ DoE- Attn. Director for Environment MOHSW- Attn. Chief Health Officer</p>	GCLA / VPO / DoE /

	<p>GCLA- Attn. DCM/MEZL</p> <p>NEMC- Attn. Director for Compliance and Enforcement</p> <p>CUSTOMS- Attn. Tanzania Revenue Authority</p> <p>OSHA- Attn. Chief Inspector</p> <p>TPA- Attn. Dar es salaam Port Manager</p> <p>Heads of departments/organisations with the responsibility for inspection officers, Customs officers and transport & packaging safety Inspectors.</p> <ul style="list-style-type: none"> • Confirmation of terminology used at a national level and within different departments /organizations carrying out waste inspections. • Discussion about the main challenges to operating an effective inspections unit. • What changes would benefit the implementation of inspection services: <ol style="list-style-type: none"> 1. Legislative 2. Policy/funding 3. Operational 4. Between departments/organizations • Discussion about communication flows within the organization; with the competent authority; with other national organization/agencies and with the waste industry. • Confirmation of the details to be discussed with inspection personnel. 	<p>MOHSW /</p> <p>NEMC</p> <p>CUSTOMS/TRA</p> <p>OSHA</p> <p>TPA</p>
<p>6th Nov., 2014</p> <p>14.00-15.30</p>	<p>Tanzania Ports Authority</p> <p>Attn. Dar es Salaam Port Manager</p> <p>GCLA - Attn. DCM/MEZL</p> <p>Port Authorities (relevant department head or nominated representative)</p> <ul style="list-style-type: none"> • Overview of the authority's role in waste shipments. • Discussion on facilitating inspections/verifications of waste shipments and the associated costs. • Facilities available for waste inspections • Communication flows with regulatory authorities and with other national organization/agencies involved in waste shipments and their control. 	<p>TPA/GCLA</p>

<p>6th Nov. 2014</p> <p>15:45 – 17:00</p>	<p>Inspection officers, Customs officers and transport & packaging safety inspectors</p> <p>MOHSW- Attn. Chief Health Officer</p> <p>VPO/ DoE- Attn. Director for Environment</p> <p>GCLA- Attn. DCM/MEZL</p> <p>NEMC- Attn. Director for Compliance and Enforcement CUSTOMS/TRA - Attn. Tanzania Revenue Authority</p> <ul style="list-style-type: none"> • Overview of their respective roles and responsibilities in waste inspections/verifications/illegal shipments investigations and take-back of illegal shipments. • Discussion about the main challenges to conducting effective inspections. • What changes would benefit effective waste inspection and controls on waste shipments: <ol style="list-style-type: none"> 1. Legislative 2. Policy/funding 3. Operational 4. Between departments/organisations • Discussion about identification of waste shipments • Discussion about the selection process for inspection/ verification of waste shipment documentation • Overview of the recording of inspections/verifications • Discussion about personal health and safety and environmental risk identification • Procedure for securing a shipment • Procedure for dealing with an illegal shipment • Procedure for dealing with a shipment subject to the take-back procedure • Discussion about information gathering and sharing knowledge of the waste industry and shipment activities • Discussion about communication flows within the organisation; with other competent authorities; with other national organisation/ agencies and with the waste industry 	<p>GCLA / NEMC / VPO / CUSTOMS /TRA / MOHSW</p>
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7.0 7th Nov., 2014 09:00- 09:45	Meeting with the Permanent Secretary Ministry of Industry and Trade Courtesy call and introduction of Consultant and ESM-TBM	CGC
10:00- 10:45	Meeting with the Permanent Secretary Ministry of Foreign Affairs Courtesy call and introduction of Consultant and ESM-TBM	CGC
11:30 –13:00	NEMC- Attn. Director for Compliance and Enforcement Representative from Lead Smelting Industries Representative from the Ministry of Industry and Trade <ul style="list-style-type: none"> • Discussions with logistics and/or compliance managers (or nominated representatives) about the implementation of the BC. • Main challenges to operating the enterprise in accordance with the requirements of the BC. • Discussion about the administrative requirements for shipments of waste. • Discussion about the control of shipments of waste by the regulatory authorities. • What changes would benefit effective implementation of the BC: <ol style="list-style-type: none"> 1. Legislative 2. Policy/funding 3. Enforcement 4. Operational • Discussion about communication flows with competent authorities; with other national organization/agencies and with the waste industry. 	NEMC/ Representative from Lead Smelting Industries/ Representative from the Ministry of Industry and Trade
14:00 – 16:00	Recap Meeting with GCLA and VPO	GCLA/VPO

ABBREVIATIONS

MoHSW: Ministry of Health and Social Welfare

GCLA: Government Chemist Laboratory Agency

DoE –VPO: Division of Environment, Vice President`s Office

TRA: Tanzania Revenue Authority

TPA: Tanzania Ports Authority

VPO: Vice President`s Office

NEMC: National Environment Management Council

Appendix 6 - Summary report following visit to Tanzania

United Republic of Tanzania

Summary Report:

Following a 3 day visit to assess if notifications, consents, inspections and enforcement of transboundary movements of waste and the take-back procedures for illegal traffic represent environmentally sound management.

Prepared by: Patrick McCartney

On behalf of the Secretariat of the Basel Convention

November 2014

Introduction

At the eleventh meeting of the Basel Convention (BC) on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Conference of the Parties adopted a framework for the Environmentally Sound Management (ESM) of hazardous wastes and other wastes. The Conference of the Parties mandated an Expert Working Group (EWG) to further elaborate and implement actions that could be used by the Parties to the BC and other stakeholders when implementing ESM. The EWG established this pilot project to conduct an assessment on how competent authorities and other relevant stakeholders could improve their procedures and working methods to ensure ESM. Three countries volunteered to host this project, the Arab Republic of Egypt, the Republic of Madagascar and the United Republic of Tanzania. This report summarises the finding of a 3 day visit to the Tanzanian port city of Dar Es Salaam.

Objectives, Scope & Limitations

This report summarises the finding of a 3 day visit to Dar Es Salam, Tanzania between the 5th and the 7th of November 2014. The purpose of this visit was to discuss information provided by Tanzania in a questionnaire completed in phase 1 of this project and assess how the competent authority of Tanzania and other relevant stakeholders implement procedures and working methods to ensure ESM when:

- I. assessing a notifications and providing consent for the import, export or transit of hazardous waste or other waste,
- II. carrying out inspections on transboundary movements of wastes,
- III. returning shipments of hazardous waste or other waste deemed to be illegal traffic.

Subsequent to this summary report, a final report will be prepared assessing the current procedures and working methods including recommendations on how the competent authority and other relevant stakeholders can make improvements to improve ESM.

The scope of this report is limited to the control of wastes imported to, exported from or transiting Tanzania, in particular:

- I. the control of those wastes listed in Annex i and Annex ii of the BC,
- II. waste with any of the hazardous characteristics listed in Annex iii of the BC,
- III. any additional wastes defined as, or considered to be, hazardous by the domestic legislation of Tanzania and notified to the BC.

Itinerary

The 3 day visit covered meeting, interviews and workflow observations as detailed below:

DATE / TIME		ORGANISATION / STAKEHOLDER
5 th Nov.	08.30- 10.30	Meeting with the Acting Chief Government Chemist – GCLA Acting Director for Chemical Management – GCLA Manager of Environmental Laboratory - GCLA
	11.00- 12.45	Acting Director for Environment & Basel Convention Focal Point – VPO
	14:00– 16:00	Directorate of Environmental Compliance and Enforcement - NEMC
6 th Nov.	09:30– 13:00	Open discussion with representatives from: Government Chemist Laboratory Agency (x 9) – GCLA National Environment Management Council (x 1) - NEMC Customs - Tanzania Revenue Authority (x 2) - TRA Tanzania Ports Authority (x 2) – TPA Ministry of Health and Social Welfare (x 1) – MOHSW Easter Zone Inspectorate (x1) – GCLA Occupational Health And Safety Authority (x 1) – OSHA
	14.00-17.00	Site visit and tour of Dar Es Salaam Port and meeting with senior operations staff of the TPA
7 th Nov.	09:30- 09:45	Courtesy meeting with the Deputy Permanent Secretary Ministry of Industry and Trade
	10:00- 10:45	Courtesy meeting with the Deputy Permanent Secretary Ministry of Foreign Affairs
	11:30 –13:30	Site visit and tour of Gaia Eco – Solutions (Tanzania) Ltd. with representatives of the GCLA and NEMC
	15:00 – 15:30	Recap Meeting with GCLA

Summary

The staff of the organisations interviewed during this visit have a wealth of skills and are highly educated but may lack specific experience in monitoring transboundary waste shipments. These people were found to be highly motivated and keen to improve their control of waste shipment and are fortunate to have comprehensive legislative tools to implement such controls. Some of these organisations have data relevant to the production, control and monitoring waste; however, there is no central database to collate this data. There would appear to be a lack of knowledge at a national level concerning who the waste producers are; the types and quantities of wastes that are produced and how the waste producers disposed of their waste.

There was considerable interest expressed in learning from the experience of a specialist in regulating transboundary waste shipments. Central co-ordination of the activities of the organisation responsible for environmental control and/or shared resources between these organisations, with the benefit of overseas experience in monitoring the transboundary movements of waste, should greatly improve domestic capacity to control transboundary waste shipments.

Legislation

There is comprehensive legislation and regulations in place to control transboundary movements of hazardous waste. The institutional and legal framework is governed by the Environmental Management Act No. 20 of 2004. Section 16 & 17 of this Act established the National Environment Management Council (NEMC).

- NEMC is responsible for ensuring enforcement and compliance within the provisions of the Act.
- NEMC has Environmental Inspectors distributed across 5 zones.
- The Act defines “Environmental Inspectors” and sets out their comprehensive powers in relation to this Act.
- The Act sets responsibilities for Local Government.
- The Act establishes the Environmental Management (Hazardous Waste Control and Management) Regulations 2009 in which it is explicitly stated that the Basel and Bamako Conventions shall apply
- The Regulations prohibit the import of hazardous wastes from non-African states.
- The Regulations outline the procedures for any person wishing to export or transit hazardous wastes.
- The Act also established the Environmental Impact Assessment and Audit Regulations of 2005 and 2009, and the Environmental Management (Fees and Charges) Regulations 2008.

- Industrial and Consumer Chemicals (Management and Control) Act No. 3 of 2003 Prohibits the import chemical wastes.
- This Act establishes the Industrial and Consumer Chemicals (Management and Control) Regulations of 2012.
- These regulations are enforced by the GCLA's teams of inspectors distributed across 5 zones of the country.
- At the time of this visit the National Parliament was holding discussions on strengthening this Act to provide more autonomy and greater regulatory powers to the GCLA.

Other legal instruments providing environmental protection include:

- Public Health Act No.1 of 2009
- Plant Protection Act No. 13 of 2007
- Occupational Safety and Health Act No. 5 of 2003
- Customs Management Act of 2004

There are no specific regulations governing End-of-Life vehicles. A disposal tax on imported 2nd vehicles was introduced with a range of rates rising to 70% of the current value of vehicle over 8 year old. The TPA stated that this tax does not appear to have had an impact on the volume of 2nd vehicle imported into the country. 2nd hand vehicles originate from two main sources, Japan and the United Kingdom, predominantly from Japan. The vehicles from Japan undergo pre-inspection in the country of origin by agents accredited by the TSB and no additional cargo is allowed within these vehicles. No pre-inspection is required for vehicles originating from Europe and these vehicles are often loaded with untested used vehicle parts, untested electrical and electronic equipment (EEE) and assorted personal effects.

Part VII of the Environmental Management (Hazardous Waste Control and Management) Regulations 2009 deals with the segregation and treatment of e-waste within the country. The 8th Schedule of these regulations lists categories of EEE. The majority of EEE (potentially e-waste) arrives into the country in 20ft shipping containers, it was stated that there is an issue with e-waste within the country. TSB carry out inspections at the port to confirm the quality of general cargo but there are no specific regulations or guidelines covering the importation of EEE.

Order No. 204 of 2005 prohibits the export of lead acid batteries for which domestic processing facilities and demand exist.

Notification & Consent Procedure

The procedures are detailed in Part V of the Environmental Management (Hazardous Waste Control and Management) Regulations 2009 and in the “Guidelines For Management Of Hazardous Waste” published in 2013. There have been very few notified waste shipment to-date and those that have been notified have mainly originated from the Africa Stockpiles Programme.

Inspection Procedures

Approximately 95% of all imports enter the country through the Port of Dar Es Salaam. GCLA and NEMC conduct inspections at the port upon request from the TRA and/or TPA. The TSB and TRA carry out regular inspections but do not specifically monitor for any potential shipment of waste. All inspections are focused on imports and there is limited knowledge of the types and quantities of wastes produced within the country. There does not appear to be any inspections of waste shipments transiting Tanzania originating from neighbouring countries by land or in-land waterways. The Environmental Management (Hazardous Waste Control and Management) Regulations 2009 prohibits the transport of any hazardous waste on in-land waterways.

Take-back Procedures

None to date.