

THE UNITED REPUBLIC OF TANZANIA

No. 5

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THE ENVIRONMENTAL MANAGEMENT (AMENDMENT) ACT,
 2025

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THE UNITED REPUBLIC OF TANZANIA

NO. 5 OF 2025

I ASSENT

SAMIA SULUHU HASSAN,
President[4th March, 2025]

An Act to amend the Environmental Management Act with a view to making better provisions for environmental management.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

Short title 1. This Act may be cited as the Environmental Management
Cap. 191 (Amendment) Act, 2025 and shall be read as one with the Environmental
Management Act, hereinafter referred to as the “principal Act”.

PART II

GENERAL AMENDMENTS

General Amendment 2. The principal Act is amended generally by-

(a) adding the words “or unit” immediately after the word “section” wherever they appear in sections 30, 31 and 32;

- (b) adding the words “and climate change” immediately after the word “environmental” wherever they appear in sections 7(2), (3)(f) and (4), 8, 15(c), (d) and (f), 17(1), 18(2)(h), (i) and (j), 30(b), 31(1)(c), (e), (f) and (m), 34, 36(3)(c) and (g), 104(6)(a), marginal note to section 140, 140(1) and (3), 141, 151(5)(a), 178(2), (4)(c) and (5)(b), 180, 214(1)(a), (c), (d) and (f), 232;
- (c) adding the words “or climate change” immediately after the words “environmental” wherever they appear in sections 11(2), 33(3), 36(2), 204(1)(d);
- (d) adding the words “and climate change” immediately after the words “environment” wherever they appear in sections 7(3)(b) and (e), opening phrase to sections 15, 15(a) and (b), 17(1), 30(c), 31(1)(b), 31(2), 36(3)(g), 37(3)(b), 38(1)(a), (c) and (d), 38(2), 41(a) and (b), 177(2), 178(1), (2), (3), (4)(a) and (5), 179(1) and (4), 181 and 213(3);
- (e) adding the words “and climate system” immediately after the word “environment” wherever they appear in sections 7(1), 12(a), 13(3), 31(1)(a), (c), (d), 36(3)(c), (d), (e), 40 and 104(1), (2), (6)(b); and
- (f) deleting the words “Environmental Action Plan” wherever they appear in this Act and substituting for them the words “Environmental and Climate Change Action Plan”.

Amendment of
section 3

3. The principal Act is amended in section 3-

- (a) in the definition of the term “solid waste”, by deleting the words “abandoned cars scraps” and substituting for them the words “scrap metals”; and
- (b) by adding in the appropriate alphabetical order, the following new definition:

Cap. 331 ““water source” has a meaning ascribed to it under the Water Resources Management Act;
 “climate change” means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;
 “climate change management” includes response measures taken to adapt and mitigate climate change;

- “climate system” means the atmosphere, hydrosphere, cryosphere, land surface, biosphere and interactions between them which evolves in time under the influence of its own internal dynamics or external forces;
- “climate change vulnerability assessment” means the process of identifying or quantifying vulnerabilities in the climate system and developing adaptation options;
- “emissions” means the release of greenhouse gases or their precursors into the atmosphere over a specified area and period of time;
- “energy transition” means the process of shifting from a predominantly fossil fuel-based energy system to a sustainable, low-carbon energy system centered on renewable energy sources;
- “greenhouse gases” means the gaseous constituents of the atmosphere, both natural and anthropogenic, which absorb and re-emit infrared radiation; and
- “vulnerability” means the degree to which a system is susceptible to or unable to cope with adverse effects of climate change including climate variability and extremes;”.

Amendment of
section 13

4. The principal Act is amended in section 13, by-

(a) deleting subsection (1) and substituting for it the following:

“(1) The Minister shall be overall responsible for matters relating to the environment and climate change, and shall, in that respect, be responsible for the articulation of policy guidelines necessary for the promotion, protection and sustainable management of the environment and the integration of climate change mitigation and adaptation strategies into policy.”; and

(b) adding immediately after subsection (4) the following:

“(5) The Minister shall, in collaboration with the Minister responsible for finance or any other relevant sector ministry, promote climate financing for purposes of addressing climate change.

(6) For the purpose of ensuring that matters relating to environment and climate change are taken into account in national strategies and action plans, the Minister shall provide opinion on the consistency of the sectoral and sub-national strategies and action plans with the national

environment and climate change agenda and international commitments.”.

Amendment of
section 15

5. The principal Act is amended in section 15, by-

- (a) adding immediately after paragraph (a) the following:
 - “(b) coordinate climate change impact and vulnerability assessment;
 - (c) prepare mitigation and adaptation actions among sector ministries;
 - (d) conduct monitoring and evaluation of implementation climate change mitigation and adaptation actions;
 - (e) coordinate greenhouse gas inventory;
 - (f) establish and coordinate the monitoring, reporting and verification system for greenhouse gases emissions;”;
- (b) adding the words “and climate” immediately after the words “environment” appearing in paragraph (e); and
- (c) renaming paragraphs (b) to (g) as paragraphs (g) to (l) respectively.

Amendment of
section 18

6. The principal Act is amended in section 18(2) by adding the words “and climate system” immediately after the word “environmental” appearing in paragraph (g).”

Addition of
sub-part (e)

7. The principal Act is amended by adding immediately after section 29 the following sub-part:

“(e) *The National Carbon Monitoring Centre*

National Carbon
Monitoring
Centre

29A.-(1) There is hereby established a Centre to be known as the National Carbon Monitoring Centre, also to be known by the acronym “NCCM”.

(2) The Centre shall-

- (a) be a body corporate with perpetual succession and common seal;
- (b) in its corporate name, be capable of suing and being sued; and
- (c) for and in connection with the purposes of this Act, be capable of holding, purchasing and otherwise acquiring and disposing of movable or immovable property.

(3) The Centre shall, in the operation of its functions, be under the Ministry responsible for environment.

Objective for
establishment of
Centre

29B. The objective and purpose of establishment of the Centre is coordination of activities relating to the management of greenhouse gases and carbon trade.

Functions of
Centre

29C.-(1) The Centre may, for the purposes of carrying out its functions under this Act, do all such acts as may appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of those functions or to be incidental to their proper performance and may carry on any activities in that behalf either alone or in association with any other person or body of persons.

(2) Without prejudice to the generality of subsection (1), the Centre shall perform the following functions:

- (a) coordination of carbon and greenhouse gases related matters;
- (b) registration of carbon projects;
- (c) verification and certification of carbon and other greenhouse gases credits;
- (d) establishing a monitoring, reporting and verification system for greenhouse gases;
- (e) managing transactions in carbon trading;
- (f) promoting investment and international collaboration in carbon trading;
- (g) providing training and awareness to stakeholders;
- (h) establishing a system for storage and dissemination of information relating to carbon trading and projects;
- (i) conducting research on issues relating to greenhouse gases and carbon;
- (j) providing technical advice on greenhouse gases and carbon; and
- (k) overseeing the implementation of regulations for carbon trading.

Governance of
Centre

29D.-(1) The Centre shall be administered by a Chief Executive Officer who shall be appointed by the Minister.

(2) The Centre shall be governed by a Board of Directors which shall be composed of the following members:

- (a) a Chairman who shall be appointed by the President; and
- (b) six other members who shall be appointed by the Minister, at least two of whom shall be women.

(3) The Chief Executive Officer of the Centre shall be the secretary to the Board.

(4) Members of the Board shall serve for a period of three years and may be re-appointed for one further term.

Funds of Centre

29E. The funds of the Centre shall consist of-

- (a) sum of money as may be appropriated by the Parliament;
- (b) any fees and charges which may be payable to the Centre;
- (c) sum of money as may be received by the Centre by way of donation, gift, grant or loan;
- (d) sum of money obtained from research activities, training, consultancy and advisory services; and
- (e) such sums of money which may become payable to or vested in the Centre under this Act or any other written laws."

Amendment of
section 30

8. The principal Act is amended in section 30 by adding the words "and climate change" immediately before the word "section" appearing in the marginal note and opening phrase.

Amendment of
section 31

9. The principal Act is amended in section 31 by adding the words "and climate change" between the words "environment" and "section" appearing in the marginal note and opening phrase to subsection (1)."

10. The principal Act is amended in section 36-

Amendment of
section 36

(a) in subsection (2), by deleting the words “be a holder of a degree or diploma of a recognized institution of higher learning and has” and substituting for them the words “possess the requisite academic qualifications and have”; and”;

(b) in subsection (3)-

(i) in paragraph (f), by adding the words “and other environmental related assessments” after the word “Assessments”; and

(ii) in paragraph (b), by adding the words “and climate change” immediately after the words “relating to environment.

Amendment of
section 42

11. The principal Act is amended in section 42-

(a) in subsection (2), by-

(i) adding immediately after paragraph (b) the following:

“(c) include matters relating to climate change;”;

(ii) renaming paragraphs (c) and (d) as paragraphs (d) and (e) respectively; and

(b) by adding the words “at the interval of every five years” immediately after the word “shall” appearing in subsection (3).

Amendment of
section 51

12. The principal Act is amended in section 51(1) by adding the words “after consultation with relevant sector ministries” immediately after the word “may”.

Amendment of
section 55

13. The principal Act is amended in section 55 by adding the word “ocean” immediately after the word “shoreline” appearing in the marginal note and subsection (1).

Amendment of
section 56

14. The principal Act is amended in section 56(1) by adding the words “and other relevant sectoral ministers” immediately after the word “land”.

Amendment of
section 57

15. The principal Act is amended in section 57(1) by deleting the phrase “ocean or natural lake, shorelines, riverbank, water dam or reservoir” and substituting for it the words “water sources”.

Amendment of
section 60

16. The principal Act is amended in section 60(2) by deleting the words “water officer” appearing in paragraph (c) and substituting for them the words “Basin Water Director”.

Amendment of
section 64

17. The principal Act is amended in section 64 by-

- (a) adding the words “and energy transition” immediately after the word “energy” appearing in the opening phrase;
- (b) adding immediately after paragraph (b) the following:
“(c) promoting policies, incentives and technologies for energy transition;”;
- (c) adding the words “and protection of forests” immediately after the word “woodlots” appearing in paragraph (d); and
- (d) renaming paragraphs (c) and (d) as paragraphs (d) and (e) respectively.

Amendment of
section 75

18. The principal Act is amended in section 75-

- (a) by designating the content of that section as subsection (1);
- (b) in subsection (1) as designated, by-
 - (i) adding immediately after paragraph (a) the following:
“(b) take measures to control and manage greenhouse gases;”;
 - (ii) adding the words “which align with national plans and international commitments” immediately after the words “climate change” appearing in paragraph (c);”
 - (iii) renaming paragraphs (b) to (e) as paragraphs (c) to (f) respectively; and
- (c) by adding immediately after subsection (1) as designated, the following:
“(2) For the purpose of subsection (1), the Minister shall promote participation of the private sector and provide modalities for involvement of all relevant stakeholders in implementation of strategies to deal with climate change.”.

Addition of
section 75A

19. The principal Act is amended by adding immediately after section 75 the following:

“National
climate change
steering
committee

75A. For purposes of addressing climate change, the National Environmental Advisory Committee, is hereby designated as the National Climate Change Steering Committee and shall perform the following functions:

- (a) to advise the Minister on measures to be taken in order to control and manage greenhouse gases;
- (b) to provide strategic direction for implementing climate change programs, project and initiatives;
- (c) to monitor progress of climate change interventions, evaluating their effectiveness and ensuring targets are achieved;
- (d) to advise the Minister on emerging climate change issues, recommending necessary adjustment to policies, programs or laws to enhance climate change actions; and
- (e) to recommend coordinated actions and engagement of various sectors and institutions in addressing climate change.”

Amendment of
section 80

20. The principal Act is amended in section 80(3) by adding the word “soil” immediately after the word “water” appearing in paragraph (a).

“Amendment
of section 104

21. The principal Act is amended in section 104(7) by inserting the words “or climate change” between the words “environmental” and “concerns”.

Addition of
section 105A

22. The principal Act is amended by adding immediately after section 105 the following:

“Climate Change
Impact and
Vulnerability
Assessment

105A.-(1) For purposes of the provisions under this Part, “Strategic Environmental Assessment” shall include climate change impact and vulnerability assessment.

(2) The objective of climate change impact and vulnerability assessment is to identify hotspot areas or regions that are mostly susceptible to the impact of climate change and designing effective adaptations actions for decision-making.”.

- Amendment of section 109 **23.** The principal Act is amended in section 109 by deleting the word “stream” wherever it appears in that section and substituting for it the words “water source”.
- Amendment of section 129 **24.** The principal Act is amended in the opening phrase to section 129(3) by adding the words “after consultation with relevant sector ministries” immediately after the word “may”.
- Amendment of section 140 **25.** The principal Act is amended in section 140-
- (a) in subsection (1), by-
 - (i) adding the words “responsible for standards” immediately after the word “Minister” appearing in the opening phrase;
 - (ii) adding immediately after paragraph (h) the following:
“(i) greenhouse gas emissions;” and
 - (iii) renaming paragraphs (i) and (j) as paragraphs (j) and (k) respectively; and
 - (b) by adding the words “responsible for standards” immediately after the word “Minister” appearing in subsection (3).
- Amendment of section 168 **26.** The principal Act is amended in section 168 by deleting the words “Ministerial Advisory Board of the Government Chemist Laboratory Agency” and substituting for them the words “Board of the Government Chemist Laboratory Authority”.
- Amendment of section 169 **27.** The principal Act is amended in section 169, by-
- (a) adding the word “communications,” immediately after the word “agriculture”;
 - (b) deleting paragraph (b); and
 - (c) renaming paragraph(c) as paragraph(b).
- Amendment of section 170 **28.** The principal Act is amended in section 170(1), by-
- (a) deleting paragraph (a) and substituting for it the following:
“(a) the Tanzania Plant Health and Pesticides Authority;”;
and
 - (b) deleting paragraph (e) and substituting for it the following:
“(e) Tanzania Veterinary Laboratory Agency;”;
 - (c) adding immediately after paragraph (c) the following:
“(d) the Tanzania Communication Regulatory Authority;
(e) the Tanzania Bureau of Standards;

- (f) the Government Chemist Laboratory Authority;” and
 (d) renaming paragraphs (d) and (e) as paragraphs (g) and (h) respectively.

Addition of
 section 174A

29. The principal Act is amended by adding immediately after section 174 the following:

“Greenhouse Gas
 Inventory System

174A.-(1) The National Carbon Monitoring Centre shall establish and operate the Greenhouse Gas Inventory System.

(2) The greenhouse gas inventory system shall serve as a comprehensive tool to measure, report and manage greenhouse gas emissions in various sectors.

(3) Sector ministries shall prepare a greenhouse gas inventory and submit it to the Chief Executive Officer of the National Carbon Monitoring Centre after every two years.”

Amendment of
 section 179

30. The principal Act is amended in section 179 by deleting subsection (2) and substituting for it the following:

“(2) Where a sector ministry is involved in negotiation of an international agreement on matters relating to protection and management of environment and climate change, the sector minister concerned shall, prior to submission of the agreement for ratification by the National Assembly, communicate to the Minister on the substance of the agreement so as to enable him to assess the likely impact on the environment and climate system.”.

Amendment of
 section 230

31. The principal Act is amended in section 230(2), by-

(a) adding immediately after paragraph (q) the following:

“(r) prescribe procedures for the management of climate change;

(s) prescribe greenhouse gas emission standards, and shall be made in consultation with sector ministries; and

(t) prescribe procedures for appeal against the decisions of the Council;” and

(b) renaming paragraphs (r) and (s) as paragraphs (u) and (v) respectively.

Amendment of
First Schedule

32. The principal Act is amended in the First Schedule by adding the words “at least twice in a year” immediately after the word “meet” appearing in paragraph 4(1).

Amendment of
Second
Schedule

33. The principal Act is amended in the Second Schedule by deleting the word “Council” wherever it appears and substituting for it the word “Board”.

Passed by the National Assembly on the 12th February, 2025

BARAKA ILDEPHONCE LEONARD
Clerk of the National Assembly

