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THE MINING ACT
(CAP. 123)

REGULATIONS

Made under Section 129

THE MINING (DESIGNATED MINERALS CERTIFICATION) REGULATIONS, 2019

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THE MINING ACT
(CAP. 123)

REGULATIONS

(Made under Section 129)

THE MINING (DESIGNATED MINERALS CERTIFICATION) REGULATIONS, 2019

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Mining (Designated Minerals Certification) Regulations, 2019.
- Application 2. These Regulations shall apply in relation to the following:
- (a) the holder of mineral rights, broker licence and dealer licence granted under the Act;
 - (b) ICGLR designated minerals
 - (i) gold: metal and metal alloys, ores and mineral concentrates that contain gold (Au);
 - (ii) Tin: minerals, ores and mineral concentrates that contain tin (Sn) (cassiterite and other tin minerals);
 - (iii) tungsten: minerals, ores and mineral concentrates that contain tungsten (W) (wolframite and other tungsten minerals);
 - (iv) tantalum: minerals, ores and mineral concentrates that contain niobium (Nb) or

tantalum (Ta) (columbite, tantalite, niobite, pyrochlorite and other Nb-Ta minerals)
(c) any other minerals as may be designated by the ICGLR Secretariat.

Interpretation

3. In these Regulations, unless the context otherwise requires-

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“Act” means the Mining Act;

“Analytical Fingerprint (AFP)” means a combination of analytical techniques allowing the identification of source-characteristic geochemical, mineralogical and geochronological features of mineral concentrates;

“artisanal mining” means mineral extraction undertaken by individuals, small groups of individuals or cooperatives working with hand tools or very basic forms of mechanization;

“authorised officer” means the Commissioner, Chief Inspector, Inspector or a Public Officer appointed under the Act or a person designated as such by the Commissioner under the Act;

“Certified Mining area ”: means a mining area that has been inspected and approved according to the standards and procedures set out in regulation 5;

“Chief Inspector of Mines” means the chief inspector of mines appointed under the Act;

Cap.366

“child labour” means child labour as defined under Section 4 and 5 of the Employment and Labour Relation Act;

“Commission” means the Mining Commission established under the Act;

“Competent authority” means the public authority mandated under this regulations to implement and enforce its provisions;

“Conflict zones” means areas within the territory of the Member States to the ICGLR Protocol which are under war or civil unrest occupation by rebel movements;

“Country of Origin” means the country where designated minerals has been mined or extracted;

G.N. No.
403/2010

“Designated minerals” means tin, tantalum, tungsten and gold with their associations which are exploited within or otherwise transit through the ICGLR member states;

“Due Diligence” means reasonable measures taken by authority or person for the purpose of identifying and addressing actual or potential risks and mitigate against violations of human rights and contributing to conflict steps taken by the Commission or an authorized officer or competent authority for the purpose of ascertaining mineral value chain;

“Environmental Protection Plan” means a plan to mitigate the environmental effects to be caused by mining operations under Primary Mining Licence as defined under the Mining (Environmental Protection for Small Scale Mining) Regulations;

“Export” means shipping or sending out designated minerals from a country of origin to another country;

“Exporting Authority” means the authority designated by a country to permit the shipment of designated minerals;

“ICGLR Certificate” means a certificate issued under Regulation 14(1);

“ICGLR Chain of Custody Tracking System” means a system that can track mineral flows from a certified mining area to the point of export;

“ICGLR Mineral Certification Mechanism” means the ICGLR regional mechanism providing for the traceability and certification of Designated Minerals;

“ICGLR” means the International Conference on the Great Lakes Region;

“Import” means shipping designated minerals from the country of origin into any part of the United Republic of Tanzania;

“Importing Authority” means the authority designated by a country to authorize the importation of Designated Minerals;

“Lot” means a quantity of Designated Minerals shipped as a unit;

“Member State” means a State subscribed to the International Conference on the Great Lakes Region (ICGLR) Pact;

“Mining area Inspection” means an examination of a mining area and determination of its conformity with the requirements of these regulations;

“Mineral Value Supply Chain” means the series of steps and processes through which designated minerals are extracted, processed, traded, and exported from the country of origin;

“Mining area” means an area of land subject to a special mining licence, a mining licenced or a primary mining licence;

“Shipment” means one or more parcels of designated minerals that are physically imported or exported;

“third party auditor” means a person or body that is accredited by the ICGLR Audit committee to carry out independent audits of the ICGLR certification mechanism;

“Transit” means the physical passage across the territory of the United Republic, with or without transshipment, warehousing or change in mode of transport, when such passage is only a portion of a complete journey beginning and terminating beyond the frontier of the United Republic;

“Uncertified Mining area”: means a mining area that has not been approved according to the standards and procedures prescribed under regulation 5;

“ICGLR Audit” means an audit that has been ordered by ICGLR Audit Committee;

PART II

MINING, PROCESSING AND TRADING OF DESIGNATED MINERALS

Mining,
processing and
trading of
designated
minerals

4. A person shall engage or permit any other person to carry out mining, processing, trading or possession of any designated mineral except by authority granted under the Act.

Classification
and certification
of mining areas

5.-(1) The Commission or an authorized officer shall for the purpose of classification and certification of minerals under this regulation carry out inspection of areas that produces designated minerals.

(2) Upon inspection of Mining areas, Mining areas will be designated either certified or uncertified and assigned to one of the following categories:

- (a) Red-flagged, where there is presence of illegal mining; illegal processing and trading of minerals and active involvement of miners under eighteen years of age in mining activities;
- (b) yellow-flagged, where mining or processing is legal, but there is lack of environmental management plan or protection plan;
- (c) green-flagged, where infractions stated under paragraph (a) and (b) are not present.

(3) The Commission or an authorized officer shall issue a certificate of compliance in the Form DMTF. 1 specified in Schedule 2 to a mineral right holder whose mining area is classified under paragraph 2.

(4) The Commission or an authorized officer shall for the purpose of ensuring compliance with these Regulations, conduct mine site inspection in a manner prescribed in the Second Schedule and may order -

- (a) operations in the mine sites classified as “Red” to cease with immediate effect until such time that the activities qualify a “Green” Classification; and
 - (b) operations in yellow-flagged areas to continue while contravening aspects are being addressed pursuant to the ICGLR Model Law on mine site inspections.
- (5) The mineral right holder may request the

Commission to carry out a follow up inspection for the purpose of classification or re-classification of a mining area.

Inspection and validation of mining area

6. The Commission shall conduct mine site inspections at least once in a year for the purpose of validating the classification according to procedures set out in the Second Schedule.

Functions of Commission

7.-(1) The Commission is hereby designated as the competent authority for the purposes of these Regulations.

(2) The Commission shall for the purpose of these Regulations perform duties as prescribed in the Third Schedule.

Chain of custody tracking and auditing system for designated minerals

8.-(1) Any person dealing in or otherwise handling designated minerals shall ensure that the mineral consignment originates only from a certified mining area.

(2) Any person transporting designated minerals shall comply with the provisions of the chain of custody tracking system for designated minerals stipulated under these Regulations and any other written laws or ICGLR Instruments.

(3) Any person dealing in or otherwise handling designated minerals shall ensure the minerals are fully traceable and conflict free from the mine site to the point of export.

Conducting due diligence

9.-(1) Persons forming part of the minerals supply chain shall implement supply chain due diligence with the objective of preventing, or mitigating the risk of, contribution to, assistance to, or facilitation of-

(a) any forms of torture, cruel, inhuman and degrading treatment;

- (b) any forms of forced or compulsory labour;
- (c) child labour;
- (d) human rights violations and abuses such as sexual violence;
- (e) war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.

(2) The Commission may direct on due diligence requirements to the artisanal miners, small-scale miners, and licenced brokers.

(3) Any person who exports designated minerals shall be subject to an annual audit by the ICGLR Mineral Supply Chain Auditor to independently verify that the mineral chain from the mining area to the export point complies with these Regulations.

(4) Holders of mineral rights, processing licence, broker licence or dealer licence shall allow sampling of designated material upon request by third party auditor or an authorised officer for purposes of analytical fingerprint.

Conducting independent third party audits

10. The System prescribed under regulation 8 shall be open to inspection and independent audits by third party auditor accredited by the ICGLR Audit Committee.

Fees

11. A person who exports designated minerals shall pay fees to cater for maintenance of the designated minerals certification scheme as specified under the Third Schedule.

Publication of information

12. The Commission shall publish information on designated mineral production, export and revenue annually, and shall share information from the chain of custody tracking systems as required by the ICGLR Regional Certification Mechanism.

PART III
EXPORT OF DESIGNATED MINERALS

No export
without
Certificate

Cap. 123
G.N. NO.
2 of 2018.

13.-(1) A person shall not export designated minerals except with export permit and the ICGLR certificate granted under these Regulations.

(2) Export of any designated minerals shall be in accordance with provision of the Mining (Minerals and Minerals Concentrates Trading) Regulations,

(3) The Commission shall for the purpose of exportation of designated minerals, appoint authorised officers for inspection, valuation, and issuing ICGLR certificates

Application for
ICGLR
Certificate for
designated
minerals

14.-(1) An application for a certificate to export designated minerals and samples of designated minerals shall be-

(a) in the Form DMTF. 2 specified in the First Schedule.

(b) accompanied by a prescribed fee contained in the Fourth Schedule.

(2) The applicant for ICGLR certificate shall register the following information, for each domestic outgoing lot of designated Mineral:

(a) a unique mine operator lot number; and

(b) traceability details and chain of custody of the designated minerals.

Granting of
ICGLR
certificates

15.-(1) The Commission or an authorized officer shall issue ICGLR Certificate for every export of designated minerals in the form DMTF. 3 specified in the First Schedule.

(2) A certificate to export designated minerals shall be issued only in respect of designated minerals

which have first been examined and weighed by the Commission or any person authorized by him and packed in tamper proof container the outer cover of which is sealed at every opening with a seal of the Commission or such seal as the Commission may, in writing approve.

(3) Any person who exports designated minerals shall ensure that an ICGLR Certificate accompanies each exported shipment of the designated mineral.

(4) A certificate to export designated minerals shall be-

(a) be valid for a period of thirty days from the date of issuance; and

(b) Every certificate to export of designated minerals shall be surrendered by the exporter to the importing authority of the country into whose territory a shipment of designated minerals are imported.

(5) A Person shall not export designated minerals without the ICGLR Certificate issued in accordance with these Regulations.

Importation of
designated
minerals

16.-(1) An application for a permit to import designated minerals shall be in the Form DMTF. 3 of the First Schedule and shall be accompanied by a declaration that the designated minerals being imported are from a participant and they do not contain conflict designated minerals.

(2) An application for a permit to import designated minerals shall be accompanied by a prescribed fee as provided for in the Second Schedule to these Regulations.

(3) A person whose application under sub-regulation (1) is granted, shall be issued with a permit to import designated minerals in Form DMTF. 4 of the First Schedule.

(4) A permit to import designated minerals shall be subject to the condition that, upon arrival in the country of the shipment to which the permit relates the validity of

the permit shall be confirmed by the Commission by an endorsement thereon to that effect before Customs officials release such designated minerals.

(5) For the purpose of confirmation of the validity of a permit under sub-regulation (4), the permit shall be submitted to the customs officials who shall forthwith forward it to the Commission.

(6) The Commission or an authorized officer shall inspect the shipment of designated minerals to verify that the seals and the container have not been tampered with and that the export was performed in accordance with the requirements of the ICGLR Mineral Certification Mechanism.

(7) The Commission or an authorized officer shall open and inspect the contents of the shipment to verify the details declared on the ICGLR Certificate.

(8) A Customs official shall, upon receipt of a permit to import designated minerals whose validity has been duly confirmed by the Commission under this regulation-

- (a) endorse on such permit the date and place of importation of the designated minerals to which the permit relates and his signature;
- (b) return such permit to the importer for retention as an authorization for the possession of the designated minerals imported; and
- (c) release the designated minerals to the importer.

(9) Where applicable and when requested, the Commission may send the return slip or import confirmation coupon to the relevant exporting authority.

Restriction of
grant of ICGLR
certificate

17. The Commission shall not grant or issue an ICGLR certificate where it determines that the applicant has provided false information when applying for such ICGLR certificate.

Invalidation of
ICGLR
certificate

18. Where the Commission determines that the information provided by an applicant in order to obtain an ICGLR certificate, or the information appearing on such

ICGLR certificate is inaccurate or has changed, the Commission may invalidate the ICGLR certificate.

PART IV
INFORMATION, RECORDS AND REGISTERS

Keeping of register, and records

19.-(1) An authorized miner, mineral processor, licensed dealer and licensed broker shall-

- (a) keep a register of designated minerals containing the following:
 - (i) name, address and location of the owner;
 - (ii) value and details of all taxes, fees or royalties paid to Government for the purpose of extraction, trade, or processing of the minerals;
 - (iii) records of production, purchases and sales of minerals;
 - (iv) traceability records of the minerals.
- (b) submit to the Commission the detailed company or group ownership structure and the location of its subscribers on annual basis; and
- (c) transmit records of purchases, acquisitions and sales, for domestic outgoing lots, external purchases and outgoing mixed lots to the Commission on a monthly basis.

(2) The records prescribed in subregulation (1)(a) shall be kept for a minimum of five years.

(3) A person who fails to keep records or keeps false information prescribed under this regulation commits an offence.

Database for designated minerals

20.-(1) The Commission shall maintain designated minerals database consisting of mining area, exporter, traceability and chain of custody records for designated minerals.

(2) The database for designated minerals shall consist of:

- (a) information for mining area such as identity

- number and coordinates, etc.;
- (b) status of mining area (certified, un-Certified, yellow-flagged);
- (c) inspection history of mining area;
- (d) mineral licencing information for mining area (type of mineral right, mineral commodity, and ownership);
- (e) traceability and chain of custody;
- (f) auditing records: and
- (g) production, export and import records.

Disclosure of information

21. The Commission may disclose any information received, gathered or maintained in the course of administration of these Regulations without contravening confidentiality as required under Section 26 of the Act.

Offences and penalties

22. A person who contravenes any provision of these Regulations commits an offence and on conviction shall be liable;

- (a) in the case of an individual, to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both;
- (b) in the case of body corporate, to a fine of not less than twenty million shillings but not exceeding fifty million shillings;

(2) Without prejudice to the provision of this regulation any designated minerals obtained in contraventions of these Regulations shall be confiscated to the Government by the Commission in accordance with the Act.

(3) Where the Commission is satisfied a confiscated consignment of designated minerals originates from other member state he shall make arrangements for return of the consignment to the country of origin after consultation with the affected member state.



FIRST SCHEDULE



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS

(Made under regulation 5(3))

CERTIFICATE OF COMPLIANCE

This is to Certify that the Mine Area on Licence NoOwned by

M/SLocated at in..... District

was inspected in accordance with the Mining (Designated Minerals Certification) Regulations, 2019 on

The Mine Area has been classified as

	GREEN			YELLOW			RED	
--	--------------	--	--	---------------	--	--	------------	--

Issued thisday of20.....

.....
EXECUTIVE SECRETARY
THE MINING COMMISSION



SECOND SCHEDULE



THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF MINERALS

(Made under regulation 5(3))

CERTIFICATE OF COMPLIANCE

Application for Certificate to Export Designated Minerals

To: Commission for Minerals

I [full name]

Of [address]

Shipment number

I am the holder of a valid Licence No -----issued on ----- at ----- and I hereby apply for Certificate to export designated minerals the following particulars:

Minerals	Chemical Symbol	Net Weight	Content	Value (USD)
1				
2				
3				
Total Value TZS/USD				

I sourced the said minerals from the following mine sites

Site	Site Name	Site Coordinates		Site Location				Weight (Kg)
		Latitude	Longitude	Village	Ward	District	Mineral	
1								
2								
3								

Mining (Designated Minerals Certification)

GN. No. 449 (Contd.)

The export of the said minerals will be made at [place of export] -----
----- by [means of transportation]-----
-----to [name and
address] -----
----- via (mention route to destination)-----

I have made in respect of the minerals to be exported a [payment in lieu of royalty] [a
provisional payment in lieu of royalty] of ----- [state the
amount] and attach a copy of the official receipt number ----- dated -----
-

Signature of Applicant

Declaration by Exporter

I certify that the said designated minerals do not contain any conflict and that I shall be liable to the contrary.

Name _____

Qualification _____

Dated thisday of..... 20.....



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF MINERALS



CERTIFICATE OF THE INTERNATIONAL CONFERENCE
ON THE GREAT LAKES REGION

Certificate No:

Mineral Commodity: _____

This is to Certify that Shipment No.

From (Locality Name)..... in Region

In the United Republic of Tanzania, has been mined, traded and transported in conformity with the ICGLR requirements;

Name and Address of exporter:
.....

Name and Address of importer:
.....

Date of Shipment:
.....

Date of Expiry:
.....

Carrier Name:
.....

Transiting through:

Packing type (drums, bags, etc):

Containers from To:

Mining (Designated Minerals Certification)

GN. No. 449 (Contd.)

Minerals	Chemical Symbol	Net weight	Content (%)	Metal Contained	Value (USD)
Total					

This certificate is valid until

.....

Name and Signature of Authorized Officer

.....

Date



THE UNITED REPUBLIC OF TANZANIA

IMPORT CERTIFICATE

(Made under regulation 15(3))



This is to Certify that the hereby certified product was imported into (name of country).....
 And the Import has been checked and verified in conformity with ICGLR requirements.

.....
 For the Importing Authority

To Be Returned to the Commission For Minerals,
 DETAILED TABLE OF ASSOCIATED PRODUCTS (MINOR ELEMENTS CONTAINED)

Minerals	Chemical Symbol	Net Weight	Content	Value (USD)

TRACEABILITY TABLE

Site	Site Name	Site Coordinates		Site Location				Weight (Kg)
		Latitude	Longitude	Village	Ward	District	Region	

The name and signature of authorized officer.....

The date the certificate is countersigned

.....

Each certificate should be printed in English. Additional languages may be added at the discretion of the Member State

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SECOND SCHEDULE
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(Made under regulation 5(4))

Mine Site Inspection Checklist

Where the Commissioner or an authorized officer conducts inspection shall consider the following:

- (a) unique mine area identification number
- (b) The current status of the mine site: Certified (Green), un-Certified (Red), or Yellow-Flagged
- (c) Mining Activity Status (Active, Non-active, Abandoned)
- (d) the location of the mine site (Provide locality and Geographical coordinates)
- (e) the type(s) of Designated Mineral(s) produced at the mine site
- (f) mineral Licensing Information concerning the site, including:
 - (i) type of mineral license covering the mine site (claim, exploration permit, mining license, artisanal permit, unlicensed, other type);
 - (ii) the identification number of the mining license, in the terms used by the national mineral claims systems (if available, in the case of artisanal miners);
 - (iii) identification of the owner of the mineral license;
- (g) particulars of owner and operator of the mine site:
 - (i) name
 - (ii) address
 - (iii) National identification number (where available)
 - (iv) other identifying information as required
- (h) number of previous inspections of the mine site, either by member state government personnel, by ICGLR third party auditors, or by the ICGLR mineral chain auditor ;
- (i) finding of the inspection (i.e. mine site is Certified, un-Certified, or found to be Yellow Flagged);
- (j) full inspection report of each inspection (if feasible); and

- (k) status history of the mine site, including:
 - (i) dates during which the mine site has been Certified (Green Flagged)
 - (ii) dates during which the mine site has been Un-Certified (Red Flagged)
 - (iii) dates during which the mine site has been Yellow Flagged

THIRD SCHEDULE

(Made under regulation 7(2))

Functions of the competent authority

The competent authority mandate is to manage the traceability and chain of custody for designated minerals within Tanzania.

To achieve this mandate, the competent authority shall be responsible for:

- (a) enforcing these Regulations and any other rules against the illegal exploitation of designated minerals, including where permitted under the relevant constitutional provisions, prosecuting offenders
- (b) organizing the required human and logistical resources for establishment of traceability scheme in major mining areas for designated minerals;
- (c) coordinating stakeholder awareness and readiness for collecting and keeping traceability and chain of custody records as required under these Regulations;
- (d) collaborating with their consultant to install and implement traceability scheme in pilot areas and roll out the scheme to all applicable mining areas after the agreed pilot period;
- (e) carrying out internal monitoring and evaluation of the traceability scheme;
- (f) cooperation with third party auditors to evaluate the integrity of traceability and chain of custody;
- (g) conducting research and analyzing information on the illegal exploitation of designated minerals and maintaining a database of such information;
- (h) collaborating with the ICGLR Steering Committee and the competent authorities of Member States with a view to combating the illegal exploitation of designated minerals in the member states;
- (i) proposing specific measures for combating the illegal exploitation of designated minerals;
- (j) collaborating with other state organs, the ICGLR Committee, relevant international organizations, civil society organizations and any agency regarding sourcing in markets, whistle blowing and any other relevant information or support it in the fight against illegal exploitation of designated;
- (k) establishing and maintaining a database of information on traceability and chain of custody for designated minerals;
- (l) preparing annual report on its activities and make recommendations to the Government

Mining (Designated Minerals Certification)

Gn. No. 449 (Contd.)

- (m) pursuing the recovery of illegally exploited designated minerals and where appropriate, taking civil action on behalf the Republic to seek compensation from persons responsible for the illegal exploitation of designated minerals;
- (n) conducting investigations against persons suspected of engaging in the illegal exploitation of designated minerals in Tanzania;
- (o) conducting research and analyzing information on the illegal exploitation of designated minerals and maintaining a database of such information;
- (p) collaborating with the ICGLR Steering Committee and the competent authorities of Member States with a view to combating the illegal exploitation of designated minerals in the Member states;
- (q) liaising with state organs on matters regarding the prevention and control of illegal trading of designated minerals;
- (r) taking such other action as it considers desirable to combat the illegal exploitation of designated minerals.

FOURTH SCHEDULE

(Made under regulation 12)

Fees for Dealing in Designated Minerals

S/No	Particular	US\$
1	Application fee for ICGLR Certificate for Designated Mineral	100
2	Application fee for Import Permit for Designated Mineral	300
3	Fee for Audit or follow-up inspection of Mine sites	20

Dodoma,
28th May, 2019

DOTO M. BITEKO
Minister for Minerals