



THE UNITED REPUBLIC OF TANZANIA

# Blueprint For Regulatory Reforms To Improve The Business Environment

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Ministry of Industry, Trade and Investment

Dodoma, April 2018

## Keynote

Successive government phases in Tanzania have made various attempts to promote investment in the country by creating an enabling business environment through strategic reforms. Such reform initiatives, for example Business Environment Strengthening for Tanzania (BEST) and Big Results Now (BRN), have admittedly led to some improvements in the realignment of the business regulatory regime and the government's initiative in the provision and delivery of services.

Despite the well-intended efforts to drive reforms with a view to achieving a vibrant economy, a number of policy and regulatory challenges have persisted. The challenges partly emanate from changes in the dynamics of economic, political, social, cultural and the business environments which have had a significant negative impact on the growth of the private sector, weakening the very foundation of the present government's industrialization drive.

As a result, stakeholders have lamented of the apparently conflicting or duplicative policies and laws at the central and local government levels relating to taxes, levies, licensing and other charges. The difference in charges across the Local Government Authority (LGA) spectrum and the multiple regulatory agencies with seemingly similar roles and functions has also raised concern from a cross section of stakeholders. From some stakeholders' perspective, the prevalence of high costs in enforcing the implementation, both at the central and local levels is a result of the licensing regime laying more emphasis on revenue generation at the expense of provision and delivery of quality service to ensure high yields for both the government and the private sector. It has also been observed that high costs and cumbersome procedures have resulted in informal operation of businesses (occasionally through dubious means) and subsequent loss of revenue to the Government.

The 5th Phase Government has re-iterated its dedication to ensuring that regulatory hurdles are removed. While maintaining its regulatory role, the Government has devised strategies aimed at bringing clarity in the regulatory regime in order to ensure that the private sector operates in a friendly and predictable business environment. To that end, the government has embarked upon a holistic approach to reviewing the policy and regulatory framework governing institutions and agencies. It has done so in order to streamline and rationalize the licenses, taxes, charges, fees and levies to ensure inclusive participation of the private sector, focusing on smallholder farmers, small and medium enterprises (SMEs) and large-scale businesses.

The government is aware that it must improve and strengthen the business enabling environment (BEE) in line with its objective of moving towards industrialization for economic transformation and human development, as set out in the Second Five Year Development Plan document (FYDP II). The government is also aware that BEE is a prerequisite to ensuring that both local and foreign potential investors are attracted to enter and participate in the different sectors of the economy at the scale required to accelerate and sustain industrial transformation.

This Blueprint provides a guide to achieving the industrialization dream of creating, in the shortest period possible, the required business-enabling environment where the government and the private sector work hand in hand in realizing the dream. It seeks to put in place a framework that enables the review of BEE for improved business climate in Tanzania.

The Blueprint comprehensively analyses the existing regulatory challenges taking into account best practices internationally and proposes robust principles and guidelines for reforms. It articulates clearly general and specific areas for reform and ways of implementing them with necessary adjustments to suit local conditions pertaining to the country. It sets out a benchmark for undertaking a holistic approach to overcoming the challenges and constraints affecting policy, regulations, delivery, and coordination, which retard the growth of the private sector. The Blueprint also proposes a robust M&E framework in order to keep track of the progress in implementation at national and sub-national levels.

I therefore calls upon all Ministry Departments and Agencies (MDAs), Regional Secretariats and LGAs as well as business community to effectively implement the reforms presented in this Blueprint. My office commits itself to oversee that, as much as it is possible, all regulations which are a hinderance to to the ease of doing business in our country are amended accordingly. I also request all stakeholders to participate effectively in monitoring and evaluating progress at national and sub-national levels as well as at the level of individual organizations.

If we all play our part to implement the reforms Tanzania shall have a regulatory framework which is more pro-business, yet effective in protecting the safety, livelihoods, health and well being of communities. Tanzania will also be in a good position to ensure fair competition, sustainable environment management, national interest and security.



Hon. Kassim Majaliwa Majaliwa(MP)

**The Prime Minister of the United Republic of Tanzania**

April, 2018.

## The Statement from the Minister

Tanzania has resolved to pursue the industrialization course in order to hasten attainment of the aspirations of the Development Vision 2025. We envision a nation with “a competitive industrial base that supports inclusive and sustainable economic growth”. This vision will be achieved by promoting a competitive and sustainable industry base with global supply base for trade that takes geographical advantage, and resource endowment, through policies, strategies and plans for inclusive industrial transformation. The Blueprint is one of Tanzania’s strategic munitions to that end.

The Blueprint provides Tanzania with a framework for enabling a holistic review of business-enabling environment (BEE) in order to improve the business climate. If effectively implemented, the Blueprint reform proposals will push Tanzania to the frontier of Ease of Doing Business. The proposed reforms aim to address the remaining hurdles to doing business, including: (i) existence of high compliance costs in monetary terms and time in starting and operating business; (ii) cumbersome pre-approval procedures, which create rent seeking opportunities. (iii) presence of a multiplicity and duplicity of processes; (iv) loopholes in some of the laws and regulations that are applied by regulatory authorities; and (v) high costs of compliance and enforcement to both the government and private sector.

Effective implementation of the Blueprint reform proposals requires the regulatory agencies to review and enhance internal and external transparency and communication, including strict adherence to performance management culture. Tanzania’s regulatory authorities should adopt and follow world class Citizen’s Client Charter, Performance Pledge and Customer Strategy, and Monitoring and Evaluation and guarantee feedback to private sector timely. The Blueprint proposes mechanisms for robust monitoring and evaluation, such as Organizational Performance Index (OPI) to compare similar and related regulatory authorities, and production of national Ease of Doing Business Report to rank regions public and private organisations at Production, Supply and Consumption Stages.

The reforms on the Government side should be reciprocated by the private sector. It is expected that the private sector will strengthen their capacity for quality representation and dialogue with the Government. As such, the Government is expecting matched capacities among the private sector institutions to engage with the government formally, thus eliminate the vacuum and loopholes which encourage illegal networking and creating avenues for undeserved privileges, corruption, and mistrust.

If all parties involved in business adhere to the principles outlined in this Blueprint, Tanzania’s business environment will be characterized by enhanced transparency, supportive rule based decisions, policy predictability, and accountability. With these outcomes, there will be systematic partnership engagement and healthy dialogue between the private sector and the Government, flourishing private sector, and industrial transformation.

We all have a role to play!



Hon. Charles John Mwijage (MP),  
**Minister for Industry, Trade and Investment.**

## Preface

This Blueprint for regulatory reforms in Tanzania has been prepared to address the skepticism by a cross section of private stakeholders who have occasionally argued their efficiencies are curtailed by presence of numerous and uncoordinated regulations. The Blueprint addresses these concerns but without removing the government oversight.

The Blueprint proposes reforms which, when effectively implemented, will leave Tanzania with smart regulations. First and foremost, it seeks to ensure fair allocation of resources to all citizens as well as to control the conduct and operations of businesses in their endeavor to sustainable maxim profits. While promoting a business-enabling environment, the Blueprint also seeks to protect the health, general well-being and social, environmental, cultural and economic statuses of consumers from harm that may be occasioned by some devious economic players in the market.

The second goal is to control the emergence of monopolistic tendencies and the creation of cartels with attendant negative side effects on the economy. In some incidences, the behavior of shrewd businesses has created political instability as consumers protested against the outcomes of such tendencies. In this regard, the need to promote effective competition and to support government's initiative in creating an atmosphere for economic efficiency while at the same time protecting the financial viability of efficient business entities cannot be overemphasized.

The Blueprint also takes cognizance of the fact that in the course of doing business disputes are likely to occur among business entities themselves on the one hand and between business entities and consumers or government on the other. Involvement of the government as regulator of conflict situations using mechanism and a well suited regulatory system is therefore inevitable. Accordingly, as part of smart regulations, the Blueprint proposes reforms to strengthen mechanisms to address these disputes in order to ensure that fairness to businesses and confidence among consumers prevail in Tanzania.

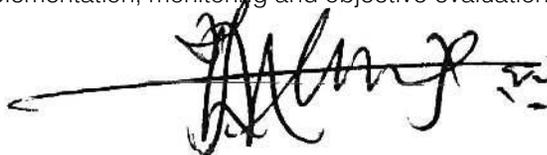
The preparation of the Blueprint was coordinated by the Prime Minister's Office in close collaboration with the Ministry of Industry, Trade and Investment. The final document is one outcome of efforts from a number of people and institutions. While it is not possible to mention all of them here, we wish to acknowledge financial support from the World Bank as well as institutional support from Dr. Hamisi Mwinyimvua, former Permanent Secretary- Prime Minister's Office; Prof. Adolf Mkenda, former Permanent Secretary Ministry of Industry, Trade and Investment; and Mr. Barney I. S. Laseko, Senior Advisor Private Sector Development. The technical team was composed of Dr. John K. Mduma (Lead, Economist from the University of Dar-es-Salaam), Prof. Hamudi Majamba (Legal Specialist from the University of Dar-es-Salaam), Dr. Remidius Ruhinduka, Dr. Kenneth Mdadila (Economists from the University of Dar es Salaam), Mr. Edward M. Sungula (former Director of Policy and Planning- Ministry of Industry, Trade and Investment), Prof. Yusufu Q. Lawi for his proofreading service, and Mr. Baraka Aligaesha (Project Coordinator from the Ministry of Industry, Trade and Investment).

Stakeholders from regulatory agencies at the central and local government levels provided insightful inputs. We also owe gratitude to members of the Inter-Ministerial Technical Committee (IMTC) for their critical comments at the initial stages of development of this document. Comments and views of stakeholders from the private sector, which included small, medium and large-scale entrepreneurs have enriched the Blueprint. The contributors from TPSF included; CTI, TCCIA, JWT, TAFFA, VIBINDO, TATO, TABOA, TACECA, ACCT, TCT, EU BG and APHFTA. World Bank Officials also provided useful comments and insights from the initial stages in the course of developing the Blueprint. They were always ready and willing to share experiences from other jurisdictions. Members of the Regulatory Licensing Reform Committee and the Secretariat provided the much needed support in terms of logistical arrangements. We owe our most sincere gratitude to them all.

Having been developed through a comprehensive and consultative process engaging all major stakeholders, this Blueprint provides a solid foundation for the envisaged reforms. The Blueprint provides a brighter future for the country. That is demand from each one of us is effective implementation, monitoring and objective evaluation.



Prof. Faustin R. Kamuzora  
**Permanent Secretary (Policy & Coordination)**  
**Prime Minister's Office**



Prof. Elisante Ole Gabriel  
**Permanent Secretary,**  
**Ministry of Industry, Trade and Investment**

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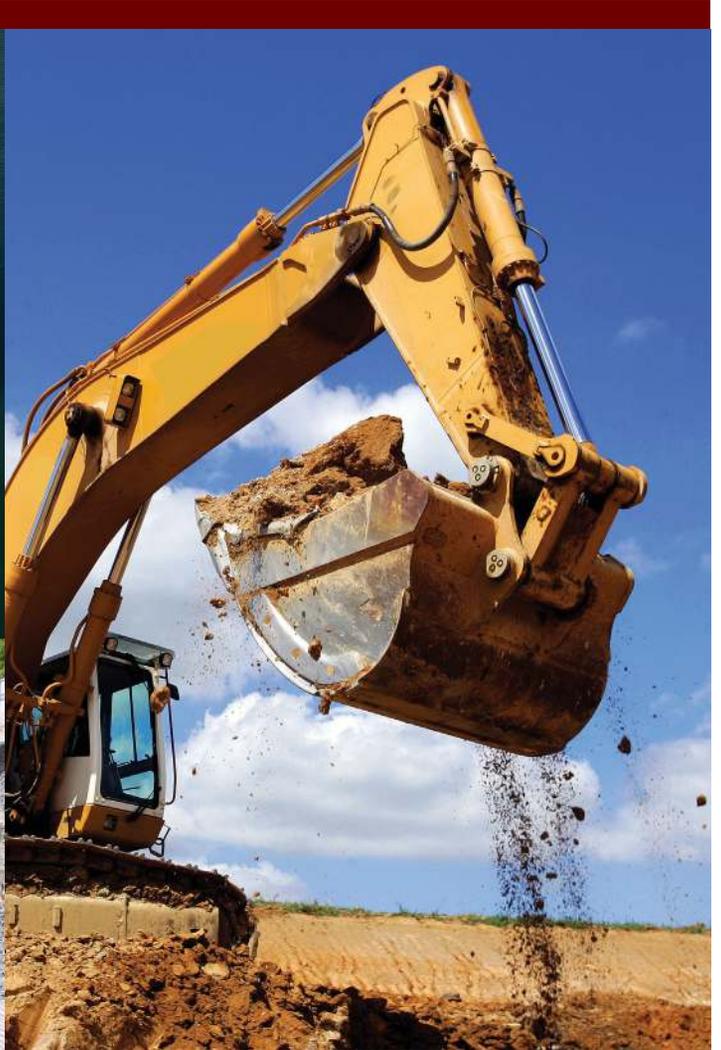
# List of Acronyms

<b>ACCT</b>	Association of Citizen Contractors of Tanzania	<b>FOB</b>	Free on Board
<b>ACT</b>	Agricultural Council of Tanzania	<b>FOREX</b>	Foreign Exchange
<b>ADDOS</b>	Accredited Drugs Dispensing Outlets	<b>FRF</b>	Fire and Rescue Force
<b>APHFTA</b>	Association of Private Health Facilities in Tanzania	<b>FSDS</b>	Fisheries Sector Development Strategy
<b>AQRB</b>	Architects and Quantity Surveyors Registration Board	<b>FYDP</b>	Five Year Development Strategy
<b>ARIs</b>	Agricultural Research Institutes	<b>GCLA</b>	Government Chemist Laboratory Agency
<b>ASA</b>	Agricultural Seed Agency	<b>GDP</b>	Growth Domestic Product
<b>BARA</b>	Business Activities Registration Act	<b>GEPF</b>	Government Employees Provident Fund
<b>BCAs</b>	Biological Control Agency	<b>GN</b>	Government Notice
<b>BEE</b>	Business Enabling Environment	<b>HSE</b>	Health, Safety and Environment
<b>BEST</b>	Business Environment Strengthening Tanzania	<b>ICDs</b>	Inland Container Depots
<b>BP</b>	Blueprint	<b>ICT</b>	Information and Communication Technology
<b>BRCs</b>	Business Registration Centers	<b>ILO</b>	International Labor Organization
<b>BRELA</b>	Business Registration and Licensing Agency	<b>ISTA</b>	International Seed Testing Association
<b>BRLR</b>	Bias Reduced Logistic Registration	<b>JWT</b>	Jumuiya ya Wafanyabiashara Tanzania
<b>BRN</b>	Big Results Now	<b>KEPHIS</b>	Kenya Plant Health Inspectorate Service
<b>CAP</b>	Chapter	<b>LAPF</b>	Local Authority Pension Fund
<b>CBT</b>	Cashewnut Board of Tanzania	<b>LGAs</b>	Local Government Authorities
<b>CET</b>	Common External Tariff	<b>LGFA</b>	Local Government Finance Act
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora	<b>LHD</b>	Left Hand Drive
<b>COSOTA</b>	Copyright Society of Tanzania	<b>LPG</b>	Liquefied Petroleum Gas
<b>CTI</b>	Confederation of Tanzania Industries	<b>MALF</b>	Ministry of Agriculture Livestock and Fisheries
<b>DAWASCO</b>	Dar es Salaam Water and Sewerage Corporation	<b>MDAs</b>	Ministries Departments and Agencies
<b>DC</b>	District Council	<b>MEM</b>	Ministry of Energy and Minerals
<b>DLPM</b>	Department of Livestock Production &Marketing	<b>MITI</b>	Ministry of Industry Trade and Investment
<b>DUS</b>	Distinctiveness Uniformity Stability	<b>MNRT</b>	Ministry of Natural Resources and Tourism
<b>DVS</b>	Directorate of Veterinary Services	<b>MoFP</b>	Ministry of Finance and Planning
<b>EAC</b>	East Africa Community	<b>MOU</b>	Memorandum of Understanding
<b>EACCMA</b>	East Africa Community Customs Management Act	<b>NBS</b>	National Bureau of Statistics
<b>EFD</b>	E-Fiscal Devices	<b>NCC</b>	National Construction Council
<b>EIA</b>	Environmental Impact Assessment	<b>NEMC</b>	National Environment Management Council
<b>EPZA</b>	Export Processing Zone Authority	<b>NFRA</b>	National Food Reserve Authority
<b>ERB</b>	Engineering Registration Board	<b>NHIF</b>	National Health Insurance Fund
<b>EU BG</b>	European Union Business Group	<b>NIMRI</b>	National Institute for Medical Research
<b>EWURA</b>	Energy and Water Utilities Regulatory Authority	<b>NKRA</b>	National Key Results Areas
<b>FCC</b>	Fair Competition Commission	<b>NPT</b>	National Performance Trial
		<b>NSSF</b>	National Social Security Fund
		<b>OECD</b>	Organization for Economic Cooperation and Development
		<b>OSHA</b>	Occupational Safety and Health Authority
		<b>PEFA</b>	Public Expenditure and Financial Accountability Assessment
		<b>PHAB</b>	Private Hospital Advisory Board

<b>PHLB</b>	Private Health Laboratories Board	<b>TCRA</b>	Tanzania Communication Regulatory Authority
<b>PHS</b>	Plant Health Services	<b>TCT</b>	Tourism Confederation of Tanzania
<b>PMO LYED</b>	Prime Minister's Office, Labour, Youth, Employment and Persons with Disability	<b>TCU</b>	Tanzania Commission for Universities
<b>PO RALG</b>	President's Office Regional Administration and Local Government	<b>TDB</b>	Tanzania Dairy Board
<b>PPF</b>	Parastatal Pension Fund	<b>TEMESA</b>	Tanzania Electrical, Mechanical and Electronic Services Agency
<b>PS</b>	Permanent Secretary	<b>TFDA</b>	Tanzania Food and Drug Authority
<b>PSPF</b>	Public Service Pension Fund	<b>TFRA</b>	Tanzania Fertilizer Regulatory Agency
<b>PVOC</b>	Pre- Shipment Verification of Conformity	<b>TFS</b>	Tanzania Forest Services Agency
<b>PWC</b>	Price Waterhouse Coopers	<b>TGFA</b>	Tanzania Government Flight Agency
<b>REA</b>	Rural Energy Agency	<b>TIC</b>	Tanzania Investment Centre
<b>RIA</b>	Regulatory Impact Assessment	<b>TIN</b>	Tax Payer Identification Number
<b>SADC</b>	Southern Africa Development Community	<b>TIRA</b>	Tanzania Insurance Regulatory Authority
<b>SDL</b>	Skills Development Levy	<b>TMA</b>	Tanzania Meteorological Agency
<b>SEIA</b>	Strategic Environmental Impact Assessment	<b>TMB</b>	Tanzania Meat Board
<b>SEZ</b>	Special Economic Zone	<b>TMRC</b>	Tanzania Mortgage Refinance Company Limited
<b>SHE</b>	Support, Help, Empowerment	<b>TNBC</b>	Tanzania National Business Council
<b>SME</b>	Small and Medium Enterprises	<b>TOSCI</b>	Tanzania Official Seed Certification Institute
<b>SPSS</b>	Statistical Package for Social Sciences	<b>TOSMA</b>	Tanzania Oil and Soap Manufacturers Association
<b>SSRA</b>	Social Security Regulatory Authority	<b>TPA</b>	Tanzania Ports Authority
<b>SUMATRA</b>	Surface and Marine Transport Regulatory Authority	<b>TPB</b>	Tanzania Pyrethrum Board
<b>TAA</b>	Tanzania Airports Authority	<b>TPDC</b>	Tanzania Petroleum Development Corporation
<b>TABOA</b>	Tanzania Buss Owners Association	<b>TPRI</b>	Tropical Pesticides Research Institute
<b>TACECA</b>	Tanzania Civil Engineering Contractors Association	<b>TPSF</b>	Tanzania Private Sector Foundation
<b>TAEC</b>	Tanzania Atomic Energy Commission	<b>TRA</b>	Tanzania Revenue Authority
<b>TAESA</b>	Tanzania Employment Services Agency	<b>TRL</b>	Tanzania Railway Limited
<b>TAFFA</b>	Tanzania Freight Forwarders Association	<b>TSB</b>	Tanzania Sisal Board
<b>TAMISEMI</b>	Tawala za Mikoa na Serikali za Mitaa	<b>TTB</b>	Tanzania Tea Board
<b>TAMPA</b>	Tanzania Milk Processing Association	<b>TTLB</b>	Tanzania Tourism Licensing Board
<b>TANAPA</b>	Tanzania National Park	<b>UHT</b>	Ultra Heat Treated
<b>TANESCO</b>	Tanzania Electronic Supply Company Limited	<b>URT</b>	United Republic of Tanzania
<b>TANROADS</b>	Tanzania National Roads Agency	<b>US</b>	United States
<b>TATOA</b>	Tanzania Truck Owners Association	<b>USD</b>	United States Dollar
<b>TAZARA</b>	Tanzania Zambia Railway Authority	<b>VAT</b>	Value Added Tax
<b>TBS</b>	Tanzania Bureau of Standards	<b>VETA</b>	Vocational Educational and Training Authority
<b>TCAA</b>	Tanzania Civil Aviation Authority	<b>Vs.</b>	Versus
<b>TCAS</b>	Tanzania Consumer Advocacy Society	<b>WB</b>	World Bank
<b>TCB</b>	Tanzania Cotton Board	<b>WCF</b>	Workers Compensation Fund
<b>TCCIA</b>	Tanzania Chamber of Commerce Industry and Agriculture	<b>WHT</b>	Withholding Tax
		<b>WMA</b>	Weights and Measures Agency



# EXECUTIVE SUMMARY



# Executive Summary

## 1. Introduction

This Blueprint provides the Government's main framework for enabling a holistic review of business-enabling environment (BEE) in order to improve the business climate in Tanzania. It presents key challenges affecting the business environment in Tanzania along with a set of recommendations for reform to put in place a more business friendly environment. The Blueprint's findings are based on a set of requisite methodologies which range from literature review, consultative meetings, focused group discussions and discussions with stakeholders drawn from the private sector, local government authorities and regulatory agencies. Questionnaires completed by representatives from local government authorities, regulatory agencies and the private sector were also used to collect data.

The Blueprint covers regulatory issues across key sectors in both rural and urban areas. It should be pointed out at the outset that the Blueprint recognizes the challenges emanating from the hard infrastructures (e.g. roads, electricity, etc.) and "soft infrastructures" (i.e. the policies, laws and regulations, taxes, fees and charges, procedures, etc.). The coverage and scope of the Blueprint would seem to be more inclined on the soft infrastructure. It is however apparent that the recommendations also have implications on the hard infrastructures.

## 2. Rationale of the Assignment

Industrial development in any country requires a business friendly environment. Thus, as the government has prioritized industrial transformation in its 2<sup>nd</sup> Five Year Development Plan (FYDP II), improving and strengthen the business enabling environment (BEE) becomes paramount. However, despite several initiatives to improve business-enabling environment (BEE) and promote investment (e.g. the Business Environment Strengthening Tanzania (BEST), BRN Business Environment Lab, core reforms, and sector reforms), the conditions for doing business in the country have not improved satisfactorily. Several business regulatory challenges remain. These include: (i) existence of high compliance costs in monetary terms and time in starting and operating business; (ii) cumbersome pre-approval procedures, which create rent seeking opportunities. (iii) presence of a multiplicity and duplicity of processes; (iv) detrimental loopholes in some of the laws and Regulations that are applied by regulators during the conduct of inspections; (v) prevalence of high costs in enforcing implementation of regulations, both at the central and local levels.

It therefore became imperative to carry out an assignment to prepare a Blueprint that lays down the foundation that would provide a firm ground for a successful take off in implementing the Fifth Phase Government's resolve to achieving a middle level economy based on industrial production. The key task in this regard is to cultivate a more conducive business environment by carrying out holistic regulatory reforms. The Blueprint seeks to put in place a framework for addressing regulatory hurdles and create a smart, functional and fair business regulatory regime in Tanzania.

## 3. Objectives of Reforms

The main objective of the BP is to propose reforms to improve Business Environment in Tanzania through reduction of the regulatory burdens and risks faced by businesses in complying with regulations. The proposed reforms will reduce the regulatory burdens to businesses by:

- i. Adopting and implementing mechanisms that will promote and ensure an efficient regulatory policy. This will guarantee that the gains arising out of the reforms are not eroded by the introduction of new regulations of low quality;
- ii. Simplifying the business-regulatory regime to avoid duplications and overlaps of mandates within the regulatory agencies;
- iii. Promoting transparency of the regulatory regime by using Information and Communication Technology (ICT) platforms that provide information on regulatory processes to the general public.

## 4. Methodologies

Preparation of the Blueprint employed methodologies ranging from review of documents, consultative discussions and interviews and focus group discussions. Data was also collected by use of a structured questionnaire.

**Review of documents:** A cross-section of documents were reviewed, including studies addressing diverse issues related to doing business in Tanzania Mainland and sectoral policies that directly impact on the process of conducting business. Unclassified correspondences from some members of the private sector to the Government on different matters relating to challenges experienced in conducting business were also reviewed.

In addition, legislation (principal and subsidiary), guidelines and government circulars that have a bearing on starting and operating businesses in the country were sought and analyzed. Furthermore, about 3,000 by-laws from LGAs in Tanzania Mainland enacted between 1984 and 2016 were obtained from PO-RALG. Out of these a sample of 120 were reviewed. In order to ensure representativeness, the sample covers all 26 regions, inclusive of rural and urban LGAs and interior and border LGAs (see Annex 1).

**Consultations with Government Agencies and the Private Sector:** Over 60 regulatory agencies/MDAs with regulatory functions and key representatives of PO-RALG, the Ministry that coordinates LGAs, were consulted through retreat working sessions (see Annex 2 & 3). During these sessions, representatives from related regulatory agencies were grouped together and required to state their lines of responsibilities, identify areas of commonality, overlaps, linkages and share the challenges they experienced when undertaking their respective roles. In addition members of the technical team held one-on-one unstructured interviews and probed issues relating to the practical aspects experienced by officials in the sectors.

As for the private sector, consultative workshops and meetings were conducted through various umbrella organizations. These included TPSF, CTI, TCCIA, JWT, TAFFA, TATO, TABOA, TACECA, EU BG, APHFTA, ACCT, ACT, etc. (See Annex 4)

**Questionnaires:** Questionnaires were used to collect data from LGAs, MDAs and the private sector. The information sought through the questionnaires included: types of permits/licenses, their validity and purpose; the time taken in processing permits; the challenges encountered in enforcing the conditions spelt out in the permits; renewal processes and whether the permits/licenses are accessible on-line. Another information sought was proposals on measures that need to be taken to reduce the burden imposed by the permit- seeking/licensing with a view to simplifying the process of doing business in the country (see Annex 5 & 6).

**Analysis and Drafting:** Drafting of the Blueprint was guided by an annotated outline, and was facilitated by inputs emanating from the outputs outlined above. The analysis clusters the challenges in doing business in Tanzania into four main categories: i) duplication of mandates; ii) conflicting mandates; iii) operational inefficiencies (e.g. time taken to issue a particular permit/license) and ad hoc procedures (e.g. multiple and duplicating inspections, etc.); and iv) unreasonable levels of various fees and charges.

## 4. Key Findings and Recommendations

### 4.1. Principles of the Reforms

The review has revealed that the current Tanzania's business regulatory regime is characterized by high compliance costs in monetary terms and time in starting and operating businesses. There is also a multiplicity of often overlapping and cumbersome pre-approval procedures and high enforcement costs. Also notable are loopholes and conflicting mandates in some Laws and Regulations. To address all these challenges, it is proposed that BEE reforms be guided by the following principles:

- i. **Separate revenue motives from the regulatory rationale of regulatory agencies:** The main objective of License fees and charges should not be revenue collection. They should instead be charged to cater for the cost of providing services or administration.
- ii. **Smart revenue motives should use smart instruments:** Where the revenue motive is justifiable, the administration of the revenue measures should not be excessively costly and inconvenient to the private sector. Wherever possible, payment should be through *a single-window payments systems*.
- iii. **Consolidate similar regulations and remove overlaps:** Related aspects/areas for regulation should be mandated to a single regulatory agency or administered through *one-stop service centers* in order to enhance coordination and minimize transaction costs/regulatory burden on the part of the private sector (it will also minimize costs on the side of the government).
- iv. **Treat regulations as an integral part of trade policy, competitiveness, protection of consumers and safeguarding the public goods:** In as much as applicable, the regulatory framework should be engineered to serve as an instrument of trade policy.
- v. **Regulatory motive vs. sector/product promotion:** In case the general/central regulatory agencies overlap with sector specific regulatory agency that is also mandated to promote the sector/product, the sector specific agencies should be assigned to the sector specific agency in order to minimize overlaps.
- vi. **Promote fair and strategic competition, productivity and innovations:** Where applicable reform should aim at minimizing regulatory burdens and costs that can potentially stifle productivity, innovation and competition.
- vii. **Ensure certainty, consistency and predictability in application:** Ensuring that the regulatory framework is clearly understood by both administrators and the business community and applied consistently (across geographic areas/sectors, etc.). It should also be standardized as far as possible so that industry has the requisite certainty to secure future investment.
- viii. **Carry out Regulatory Impact Assessment (RIA) for all future regulation proposals:** It should be mandatory for all regulations and LGA by-laws which are likely to impact upon a substantial part of the business community to undergo a detailed Regulatory Impact Assessment.
- ix. **De-regulation does not mean absence of regulations:** The implementation of the proposed reforms should lead to a smart regulatory framework, which is more effective in protecting the well being and livelihoods of members of the community. It should also enhance fair competition, provide for sustainable environment and guarantee national interest and security.
- x. **Address Operational Inefficiency within and across regulatory agencies:** Regulatory agencies should review and enhance internal and external transparency and communication, including strict adherence to performance management culture, e.g. the Citizen's Client Charter, Performance Pledge and Customer Strategy, and guarantee feedback to private sector timely as enshrined in the approved Client Charter.

These principles will enhance transparency of government operations, support-rule based decisions and promote accountability in the public sector. They will moreover enhance systematic partnership engagement and dialogue with the private sector; and will allow the application of risk-based approaches to licensing and inspection functions of various regulatory authorities.

## 4.2. Recommended Business Regulatory Reform Areas

The recommended Business Regulatory Reforms are presented in two broad categories or areas, namely, **Quick Win (QW)** and **Medium Term (MT)** reforms for general, crosscutting and sector specific issues.

### Set 1: Invoke and Evoke the Statutory Powers of Ministers to Control Regulatory Agencies/Boards

#### Quick Win (QW)

This set includes reforms relating to doing business, which could be addressed by Ministers who have powers under the law establishing their respective regulatory agencies. The Blueprint notes that these are quick win areas which address the challenges in the short term while long term solutions are being sought.

- i. The Standards Act: Section 31 of this Act empowers the Minister to issue directives on a general or specific nature to the Tanzania Bureau of Standards Board. This provision further requires the Board to give effect to every direction given by the Minister. *This provision could be employed by the Minister by directing the Board to give effect to the recommendations of this Blueprint that have a bearing on the TBS.*
- ii. Section 36 of the Standards Act empowers the Minister (after consultation with the Minister responsible for LGAs) to make by-laws/regulations for the implementation of the Standards Act at the LGA level. *This provision can be used by the Minister to address some of the identified challenges of implementing the Standards Act at the LGA level.*
- iii. Weights and Measures Act: Section 17 of this law empowers the Minister to appoint members of the Weights and Measures Committee. This Committee is required to advise the Minister on any matter arising out of the operation of the Act. *This provision can be used by the Minister to enable effective achievement of the objective for which the Law was enacted as well as promote efficiency and effectiveness in the business environment. The Minister can re-organize the composition of the Committee to include members drawn from Authorities/Boards with seemingly conflicting mandates to ensure such conflicts are eliminated.*
- iv. Occupational Health and Safety Act: Section 2 of this law gives mandate to the Minister to exempt certain work places and factories from the requirement to comply to the Act. Stakeholders who feel that the application of the OSHA Act to their business is unwarranted have the option of making a strong case and apply for exemption from the Minister under this provision.
- v. *In view of the challenges faced by OSHA in covering the expansive area of the country due to lack of personnel, the Minister is empowered by section 105 to designate OSHA's functions under the Act to be performed by any local government authority.* This provision has indeed been used in some cases as noted in the Blueprint.
- vi. The Dairy Industry Act: In the Dairy Industry the power of Ministers to review the recommendations of the Board in relation to terms and conditions for registration provided for in section 20 (2) of the Act can also be deployed to ensure a tranquil atmosphere for doing business in the Dairy Industry sub-sector. Also, the Minister's power to exempt any class of persons from all or any provisions of the Act under section 34 is critical. *This provision may also be used to address some of the identified challenges and complaints from a cross section of stakeholders in this sub sector.*

- vii. EWURA Act: For sectors regulated under EWURA, Section 7 (4) of the law establishing EWURA gives power to the Minister to give the Authority directives of a specific or general nature other than those made in relation to its regulatory functions.
- viii. Tanzania Food and Drug Authority Act: Section 42 of this Act requires the Minister responsible for Health (on the advice of the Director of TFDA and after consultation with the Minister responsible for livestock development) to make Regulations relating to premises for slaughter of animals or birds and sale of meat for human consumption as well as inspection. *This provides an opportunity to reform the apparent conflicts that have been noted between TFDA and the Meat Board.*
- ix. SUMATRA Act: The Minister responsible for SUMATRA is empowered under section 6 (4) to give to the Authority direction of a specific or general nature for the purpose of securing effective performance. *This provision could be used by the Minister to address apparent conflicts that have been identified in the transport sector.*

## Set 2: Reforms which entail Legal Review

The review has noted significant overlaps and conflicting mandates. These are more pronounced at the operational level. There are cases, moreover, where these challenges are very acute in terms of the legal mandates of the Agencies/Authorities/Boards, making it necessary to review some laws. Reform Matrix A1 provides a summary of issues from the sector laws that were reviewed and for which reform recommendations are given.

### Tax Laws and Tax Administration

**Frequent amendments in tax legislation:** Stakeholders are of the view that frequent amendments have introduced substantial weaknesses in the tax laws and tax administration leading to inconsistency in policy application and interpretation, intent and applications.

It has been noted that raw materials for animal feed production are subject to VAT whereas small scale domestic processors do not have input VAT because they buy from small-scale farmers, who do not charge VAT.

#### *Recommendation - QW*

- Amend Regulations to enable TRA to rationalize VAT treatment for raw materials with a view to promoting domestic industries and enhanced industrial inter-linkage and value addition.

### Application of Indicative Prices for Imports:

The application of indicative price for imports has been a bone of contention from amongst stakeholders. It is clear that, in order to ensure effective tax administration, indicative import prices are usually issued in order to enhance predictability of the amount of taxes the importers pay and revenue accruing to the Government. One of the challenges however is the rigidity of the indicative prices, which makes them fail to reflect price trends in the world market.

#### *Recommendation - QW*

- TRA should find a flexible, realistic and operational approach in determining indicative prices in order to arrive at a dutiable value, which makes domestic industries competitive.

## Immigration and Labor Sectors

- i. Temporary Work Permits:* The review has established that the Immigration Department issues temporary work permits to foreigners who stay in the country for a period not exceeding three months. However the Labour Commissioner does not recognize these permits. This has caused significant disturbances (and in some cases chaos) as labor officers arrest foreign workers and investors who have these permits.

### *Recommendation - QW*

- Amend (by way of Miscellaneous Amendments) the Immigration and Employment and Labour Relations Acts to remove the conflict so that the Permit would be recognized by labour officers.
- ii. Duration of Issuing Work Permits and Clarity for Renewal Applications:* It has been noted that the Non-Citizens (Employment Regulations) Act does not place a ceiling on the duration it should take to issue permits from the date an application is submitted. On the other hand, it is not clear whether applicants who seek renewal of their permits should remain or leave the country as they wait for the decision.

### *Recommendations - QW*

- Amend (by way of Miscellaneous Amendments) the Non-Citizens (Employment Regulations) Act to specify the amount of time a Work Permit application will ordinarily take to process and issue. Also, the amendment should state that renewal applications be made from within Tanzania as well as provide a clarification on the legal status of applicants whose applications for renewal are pending.
- iii. Inspection of Work Permits: It has been observed that* the Non - Citizens (Employment Regulation) Act empowers immigration officers, police officers and labour officers to inspect work permits of foreign employees. However, it does not stipulate any boundaries regarding the circumstances under which either of the officers should go to inspect. As a result all these agents end up going at different points in time to the same business entity to carry out the same exercise without any coordination.

### *Recommendation - QW*

- Amend (by way of Miscellaneous Amendments) the Non - Citizens (Employment Regulation) Act to give the routine inspection mandate to only one agency (preferably the labor officer) and whenever there is lack of sufficient personnel from the labor office to administer the inspection. the provision envisaged should allow either immigration officers or police officers to be used for such purpose, but not both.
- iv. Fees for Processing Residence and Work Permits:* The total amount of fees required to process both residence and work permits have increased from USD 2,000 to a range of USD 2500-3000 per head for two years, depending on the type of permit. This has led to a significant increase in the cost for securing permits especially for businesses with many foreign employees.

### *Recommendation - MT*

- Review law to rationalize and harmonize fees for Work/Residence Permits to ultimately reduce the cost of doing business.
- It has also been noted that while residence permits issued to foreign workers restrict their movements to pre-specified regions within the country (where the main business activity resides), work permits allow them to work in any region in Tanzania.

### *Recommendation - MT*

- Amend the Immigration Act and Non - Citizens (Employment Regulation) Act so as to harmonize the conditions for the two permits and consider provisions to allow their validity throughout the country.

## Social Security and Labor Issues

- i. Coordination of Social Security Schemes:* It has been established that the Social Security sector in the country lacks co-ordination at the national level. Each Pension Fund reports to a different Ministry with different rules of operation and procedures and, as a result, coordination among them is virtually absent. This results in high compliance cost on the part of the private sector.

### *Recommendations MT*

- Amend the Social Security Laws to provide for coordination of all Social Security Schemes under one parent Ministry with the exception of NHIF, which should remain under the Ministry of Health.
  - Revise laws with a view to combining the existing Social Security Schemes into two main Funds: one for the Private Sector and another for the Public Sector.
- ii. Remittance of Funds to Pension Schemes:* There is no centralized payment system leading to employers being required to remit different statutory contributions to multiple schemes in accordance with the law. This results in high compliance cost on the part of the private sector.

### *Recommendations - MT*

- Amend the law to centralize and automate employers' registration and remittance of contribution collections and harmonize deduction rates among all the Social Security Schemes to be retained after the review.
- iii. Exclusion of Informal Sector in Schemes:* It has been noted that the key challenge faced by the SSRA in the course of executing its functions is identification of business persons given the size of the informal sector in the country, which currently has a labor force of more than 20 million people. This is a potential area for revenue generation by the government.

### *Recommendations - MT*

- Amend Sect 31 of SSRA Act, 2008, Cap. 135, R.E. 2015 to allow entry of the Informal Sector into schemes and establish centralized payment systems for informal sector groups.

## National Environment Management Council (NEMC)

**Duration of EIA:** It has been observed that sector specific environment requirements overlap with NEMC requirements. Stakeholders are also concerned that the EIA process takes unnecessarily long time to complete and the fees are unjustifiably high, coupled with high fines for non-compliance.

### *Recommendations - MT*

- NEMC should assign some of its regulatory mandates and responsibilities to sector regulatory agencies, such as the mining sector, which also impose environmental requirements. This will help reduce overlaps and duplicity;
- Introduce a cap on the fees charged in order to cut down on the excessive burden currently shouldered by relatively large projects; and
- Provide a time frame in the law within which the EIA process should be completed.

## Land and Human Settlement Issues

**Ownership of Land:** It has been noted that stakeholders view the land tenure regime as discriminatory as non-citizens are not allowed to own land except through the TIC.

*Recommendations MT*

- There is a need for the government to engage the private sector to re-iterate the spirit, and the policy and legislative framework behind the land law reforms that led to the present land tenure system.

**Tourism Sector**

**Payment of TTLB for Separate Facilities and for Professional Hunters (PHs):** The law requires PHs to pay for TTLB licenses. The PHs are usually employees and their licenses are paid for by the employer.

*Recommendation - QW*

- Review the Hunting Regulations and remove the double licensing element in hunting tourism.

**Agriculture Sector**

- i. Tax Exemption for Horticultural Inputs and Equipment:* It has been noted that the VAT Act does not accommodate a range of modern horticultural inputs and equipment. These therefore do not qualify for exemptions under the Act. This exclusion reduces the competitiveness of the sub-sector at the international markets.

*Recommendation – QW*

- Amend (by way of Miscellaneous Amendments) the VAT Act to accommodate a range of modern horticultural inputs and equipment in its list of exemptions. The list should include dam liners for irrigation technology, spare parts for greenhouses, biological control agents, agro-nets, plant protection substances and storage and post-harvest and cooling equipment.

  - ii. Overlaps in Registration of Animal Feeds:* There is duplicity in the registration of manufacturer and supplier/distributor of animal feeds under the Grazing – Land and Animal Feed Resources Act and its Regulations and the Dairy Industry Act of 2004 Section 32(b)). Overlaps are also evident in charges relating to the control of the import and export of animal feeds under the Animal Diseases Act of 2003 & its Regulations 2007 and the Department of Plant Protection –Phytosanitary.

Also importation and exportation of milk and milk products is regulated by the Tanzania Dairy Board (TDB) and Directorate of Veterinary Services (DVS). Whereas TDB charges an FOB Value of 1%, DVS charges are done based on weight. It has been noted that there is also an overlap with respect to the registration of *acaricides*. In practice, registration is done by the Directorate of Veterinary Services (DVS) through the Animal Diseases Act of 2003 & its Regulations 2007. At the same time, the Tropical Pesticides Research Institute also registers the *acaricides*.

*Recommendations - MT*

- Amend the law to ensure that DPM handles registration of manufacturers and suppliers/distributors of animal feeds and DVS to regulate the control of importation & exportation of animal feeds. Where necessary this could be done in collaboration with the Department of Plant Protection.
- Amend the law to ensure that DVS/TDB charges on import/export of milk and milk products are based on consignment. To support the promotion of export, possibility for DVS to refrain from charging consignments for the export market should be explored.

  - iii. Duplication of Roles in Issuing Import Permits:* The Tanzania Dairy Board also issues one-month Import Permits with the objective of controlling the importation of dairy products into Tanzania. These Permits are also subjected to approval by the Division of Veterinary Services and TFDA.

*Recommendation - QW*

- Amend (by way of Miscellaneous Amendments) the law such that TDA is responsible for the coordination of the registration of premises/ business name(s)/ processors or manufacturers.
- iv. VAT exemption or zero-rated VAT for Protection of Domestic Processors of UHT:** Lack of clarity in the definition of 'processed' and 'unprocessed milk' in the VAT Act has caused conflicts between tax administrators and processors. Currently, UHT is imported without being charged VAT. This situation does not protect domestic processors. The government could recover the lost revenue if the imported fresh milk (UHT) is considered as processed milk and therefore liable to VAT.

*Recommendation: QW*

- Amend (by way of Miscellaneous Amendments) the VAT Act to revert to zero rating the sub-sector inputs and charge VAT on processed milk.
- v. Conflicts in the line of Reporting:** It is noted that the Tanzania Fertilizer Regulatory Agency (TFRA) reports to the Agricultural Inputs Section of the Ministry responsible for Agriculture. However, there are other regulatory agencies with completely different lines of reporting. This leads to confusion in the TFRA regarding charges for licenses, certificates and permits for fertilizers. The confusion relates to the roles of key players - TFRA, TBS, WMA, TAEC and SUMMATRA.

*Recommendations - MT*

- Review the legal framework establishing the roles of key players to remove the conflicting and overlapping mandates between TFRA and other regulatory agencies.

## Transportation and Logistics Sector

- i. Inconsistency in LGA By-Laws:** LGA by-laws do not state the procedures and fees associated with a particular permit. In cases where these are provided, procedures and fees for the same permit/license vary across the LGAs. The inconsistency causes significant disturbances and costs to truck and bus drivers operating across various LGAs. Also, truck operators passing through different LGAs experience different treatments in relation to the permits to use roads under the jurisdictions of the LGAs (not that of TANROADS). In many LGA, the by-laws do not provide for the amount to be paid for the permit nor the procedure to be followed.

*Recommendations - MT*

- The Minister in charge of LGAs should issue Regulations directing LGAs by-laws to specify the exact amount of fee associated with Permits and provide for a fee range within which all LGAs' fees will fall.
  - Review the law to establish a one-window Facility to deal with issuance of single permits to be used across the LGAs. Truck owners should be able to apply for a single permit which states that all LGAs are covered by the route. The relevant LGAs can then share the fee as per their respective by-laws.
- ii. Hours of Operation for Transportation of Forest Products:** Findings have revealed that TFS issues permit to transport forestry products (i.e. Transit passes for forest produce from harvesting areas to the markets; and Export certificate permits given to a dealer who intends to export forest produce) with a condition which prohibits transportation of the forest products past 18:00 hrs. At the same time TRA Regulations provide that transit goods trucks should report at every earmarked station on the stipulated time (which could go beyond 18:00hrs). In the course of trying to comply with the TFS requirements truck drivers end up breaching the TRA requirement leading to payment of penalties.

*Recommendation - QW*

- Harmonize the TRA and TFS Regulations to remove such controversies: Either TRA should relax its regulatory condition for such types of cargo (forestry products) or TFS should relax the requirement not to transport forest products beyond 18:00 hrs.
- iii. Regulating Left Hand Drive (LHD) Motor Vehicles:** TRA allows importation of the vehicles and collects relevant taxes and fees owners of these buses. However, TBS and SUMATRA Technical Safety Standards require that the driving wheel of the vehicle be on the right hand side for it to be eligible for licence for service provision in the country. Consequently, investors who have already purchased the LHD buses and adhered to TRA requirements face challenges when they arrive at TBS and SUMATRA.

*Recommendation - QW*

- Amend (by way of Miscellaneous Amendments) the relevant laws to harmonize the safety and quality standards by TBS, TRA and SUMATRA such that the requirements for importation and operation of commercial public transport vehicles are consistent across the three Regulators.
- iv. Trans-boundary Transportation:** Regulations relating to trans-border transportation in terms of technical and safety rules for buses and restrictions of travel during the night are in conflict with those of other countries. This has negative impacts on the transportation business.

*Recommendation - MT*

- Review laws to harmonize the country's domestic transport Regulations with those of other countries in the region.
- v. Variation of LGA fees:** Bus owners are required by LGA by-laws to pay fees for using a particular bus stand/ stop/parking as well as for the use of roads managed by LGAs at every LGA and of varying amounts in terms of fees and other charges.

*Recommendation - QW*

- The Minister responsible for LGAs should institute Regulations to put in place a coordinated fee payment system such that bus owner can pay the entire amount of fee at the starting point of the journey to receive a stand/stop usage permit that stipulates all the stops that the bus is eligible to use along the route. The fees can then be divided across the relevant LGAs.
- vi. Prohibition of Carrying Dangerous Items/Persons in Buses:** The Transport Licensing (Road Passenger Vehicles) Regulations [2007] issued by SUMATRA prohibit buses from carrying dangerous items such as weapons and undocumented immigrants. Bus operators have been held liable in instances where passengers violate the Regulations.

*Recommendation - MT*

- Amend the Regulations such that the penalty/legal charges are incurred by the passenger found to have violated the Regulations.

## Construction Sector

**Multiple and Uncoordinated Regulatory Agencies:** The private sector has to go through a number of sector regulatory agencies, including CRB, ERB, and AQRB which impose multiple charges for registration of individuals, businesses, and projects. The compliance process is costly to the private sector because there are few branches of the Regulatory agencies across the country and a relatively weak ICT system.

### Recommendations – MT

- i. Introduce one regulatory body – the Construction Industry Development Board –, which will host CRB, ERB, and AQRB as departments in order to enhance coordination and improve efficiency.
- ii. Revisit the rationale for the amount of fees charged with a view to reviewing them in order to enhance competitiveness;
- iii. Enhance the use of ICT and streamline the requirement for physical appearance to agencies' branch offices or headquarter.
- iv. Review and implementation of the Construction Industry Policy, including rationale for establishment of the Construction Industry Development Fund

**Duration of Registration of Quantity Surveyors and Architects:** The number of days taken to register individual professionals or firms in the sub-sector is unnecessarily long. Validity of certificates, licenses and permits for Engineers is also relatively short and causes unnecessary challenges.

### Recommendations – QW

- Amend (by way of Miscellaneous Amendments) the Architects and Quantity Surveyors (Registration) Act, 2010 to address the concerns;
- Amend (by way of Miscellaneous Amendments) the Engineers Registration Act, No. 15 of 1997 (Cap 63) to address the concern of Engineers.

**Tax administration:** The design of Tanzania tax administration does not consider sector specific needs. For instance, contractors are required to pay VAT at the point of issuing the invoice/certificate (before realizing the payment); income taxes, withholding tax, etc. Administration of the tax appeal systems creates a financial burden and it is also cumbersome and lengthy. The administration of VAT is plagued with challenges. VAT credit clearance in the Mainland allows for six months, while in Zanzibar it is one month only. Also, on the Mainland, the penalty for understated provisional profits is charged on the total profit whereas in Zanzibar the penalty is based on excess profit.

### Recommendations – QW

- i. On corporate tax, allow loss to be carried forward to more than 3 years, as is the case in the agriculture sector;
- ii. On VAT and tax administration, harmonize VAT administration and credit clearance between Mainland and Zanzibar as they have the same administrative procedures.
- iii. Review Tax appeal requirement for which the appellant is required to deposit 1/3<sup>rd</sup> of total tax in dispute. This is because in the construction industry huge sums of money are involved, hence deposit will also be huge thereby constraining operation of the industry; and
- iv. Amend (by way of Miscellaneous Amendments) the Income Tax Act, 2014 and VAT Act, 1997 to address the concerns.

## Mining Sector

**Variation of Fees at the LGA Level:** Businesspersons in the sand extraction sub-sector are required to pay for a license, royalty to the MEM and other fees charged by LGAs. Like in other sectors, e.g. agriculture, the issue of concern in the mining sector is on the variations in the LGA fees provided for in the LGA specific by-laws. Also, the fees paid by exporters of Clinker for cement production erodes competitiveness of domestic producers. This jeopardizes the exportation of the material.

### *Recommendation - MT*

- The Minister for LGAs to enact Regulations to standardize LGA payments and fees concerning activities in the mineral sector and address the concern on fees.

## Health Sector

**Procedures for Securing Licenses to Operate Health Facilities:** The procedures given for obtaining the relevant permits/licenses to operate health facilities are considered cumbersome by stakeholders in this sub-sector, e.g. the requirement to have to hire professionals before granted the permit to operate.

### *Recommendations - MT*

- Review the legal framework to allow temporary permits/licenses and decentralize decision making to minimize time and related costs relating to applications for permits to operate health facilities.

## Creative Industry

**Amending relevant laws in the Industry:** The current review has revealed that the process of amending the Act which has caused conflicting and overlapping mandates has been unnecessarily prolonged and that the absence of Regulations also complicates matters.

### *Recommendations - QW*

- MITI in collaboration with the Attorney General should fast track the process of amending the relevant laws to remove conflicting and overlapping mandates

## Capacity Issues Affecting Regulatory Framework and Outcomes

**Capacity gaps:** It has also been noted that there is a significant capacity shortage in both the regulatory agencies and private sector organizations, which hinder efficiency in engaging government in shaping the policy and regulatory framework.

## Capacity Gaps in Regulatory Agencies

### *Recommendations – MT*

- i. Government should carry out detailed needs assessment in MDAs with regulatory roles to establish existing gaps in the needed resources, skills and expertise, so as to prepare the basis for embarking on capacity building efforts and thus ensure that the proposed reforms are matched with requisite capacity in the respective regulatory agencies and in line with their Client Service Charters.
- ii. Government should review the legal and operational status of regulatory agencies and create robust entities capable of operationalizing the regulatory roles comprehensively in order to minimize the need multiplicity of agencies.
- iii. Government should implement ICT capacity development strategies for convenience and compliance payments.
- iv. Government should implement a comprehensive, time-bound strategy to shift to e-governance in managing all its revenue sources and ensure there is effective online sharing of data for learning and cross-validation.
- v. The provision of regulatory services through *one-stop centers* and payments through *single-window systems* should be scaled up.

## Capacity Gaps in Private Sector Organizations

### *Recommendations – MT*

The Private sector should be supported to:

- i. Strengthen their capacity for quality representation and dialogue with the public sector.
- ii. Increase the capacity of private sector organizations to effectively manage diversity in their interests, values, as well as views of different constituencies of businesses and individuals;
- iii. Strengthen analytical capacity to build up a reservoir of experience, expertise, and practice for effective engagement in the P-P dialogue; and
- iv. Strengthen capacity for private sector institutions to engage with the government formally and thus eliminate the vacuum and loopholes which encourage informal networking that create avenues for undeserved privileges and corruption.

# 1

# INTRODUCTION



## 1.1 Background to the Assignment

The origin of the current perspective and efforts to improve the business-enabling environment (BEE) and promote investment in Tanzania can be traced back to broad reforms undertaken since 1990. The reforms aimed at providing space to enable a liberalized market economy with the private sector acting at the forefront as the engine of economic growth. In early 2000 these efforts were framed and coordinated under the Business Environment Strengthening Tanzania (BEST) Program. While it is acknowledged that previous efforts under BEST led to some improvement in BEE, more still needed to be done especially when it comes to the easiness of establishing and doing business in the country.

To build on the previous efforts, the Fourth Phase Government adopted the Business Environment reform agenda as one of the National Key Results Areas (NKRA) in the Big Result Now (BRN) initiative. One of the focus areas for the BRN was the realignment of Regulations and Institutions to speed up reform and ensure improved service delivery by the government. However, the methodologies chosen delayed implementation due to the intricate bureaucratic reforms it entailed.

Unlike in the past attempts, the Fifth Phase Government has committed itself to taking a holistic approach in creating a conducive business environment by undertaking comprehensive regulatory reforms as reiterated by the Head of State at several occasions. Concerns by stakeholders in the private sector regarding duplicative and distortionary charges imposed by regulatory agencies have been echoed at the highest level of government administration and recently the President of United Republic of Tanzania called upon abolition of all the charges and levies that unnecessarily hinder development of the private sector.

It is widely known that the main aspiration of the 5<sup>th</sup> Phase Government is to carry forward the country to the middle income level through industrialization. However, the 5<sup>th</sup> Phase Government acknowledges that Tanzania still faces a number of policy and regulatory challenges which slow down the growth of the private sector and the industrialization process at large. The existence of conflicting or duplicative policies and laws at the central and local government levels is among such challenges. For instance, there is continued misinterpretation and lack of clarity on the 1982 Local Government Finance Act and the laws governing the agriculture sector, resulting in duplication of regulatory efforts and multiplicity of taxes and charges.

In some cases, there are differences in practice across neighboring LGAs, e.g. in relation to **cess** rates on the same product. These juridical variations are coupled with the existence of many (and sometimes conflicting) regulating agencies with overlapping and conflicting mandates, multiplicity of permits, levies, taxes and fines. This constitutes disincentives on the part of the private sector. Similar hurdles are common within and across other sectors as reflected in the outcry of the private sector aired during stakeholders' consultations in the course of preparing this Blueprint.

The 5<sup>th</sup> Phase Government is assertive that regulatory hurdles are addressed by bringing clarity in the regulatory regime in Tanzania in order to ensure that the private sector – be it small/medium entrepreneurs or large-scale producers - operate in a friendly and predictable business environment. Unless there is strategic reform on the current regulatory framework, the private sector will continue to face the challenges of long business licensing/permit processes, delays and red tapes opening up room for corruption. Ultimately, Tanzania as a nation will not achieve its aspiration of nurturing an industrial economy with shared prosperity as stipulated in the FYDP II. It follows that, in order to effectively engage the private sector in transforming the economy through industrialization, the enabling environment, particularly the soft part (i.e. the regulatory framework) must be holistically and strategically reviewed. The holistic approach includes a review of the policy and regulatory agencies as well as streamlining and rationalizing taxes and levies to ensure inclusive participation of the private sector, including smallholder farmers, SMEs, and large scale businesses.

In view of this imperative, a Team was commissioned by the Government to provide concrete proposals for the way forward based on, among other things, past studies. The Team was tasked to provide a guiding document that would clearly articulate existing challenges and provide detailed principles and guidelines on how to implement the recommendations put forward. An extract of the Team's Terms of Reference is appended (Attachment A1).

## 1.2. Rationale and Objectives of the Assignment

As noted above, Tanzania has not been doing well in the area of "Doing Business" over the years. In response to shortcoming, the Government has been taking measures to implement recommendations through various initiatives such as BEST, among other reform efforts. Nonetheless, regulatory challenges facing private sector still remain. These include:

- i. Existence of high compliance costs in monetary terms and time in starting and operating business. This is partly due to lack of information on the part of users;
- ii. Presence of cumbersome pre-approval procedures, which create rent seeking opportunities. Also notable is the presence of multiplicity and duplicity of processes;
- iii. Existence of loopholes in Laws and Regulations which are retrogressively used by regulators during the conduct of inspections;
- iv. Prevalence of high costs in enforcing the implementation, both at the central and local levels. This explains why licensing in most cases is linked to revenue generation; and
- v. Existence of high costs and cumbersome procedures resulting in informal operation of businesses and hence loss of Government revenue.

As the country emphasizes the role of industrialization for economic transformation and human development in its 2<sup>nd</sup> Five Year Development Plan (FYDP II), improvement and strengthening of the business enabling environment (BEE) becomes crucial. BEE is a key prerequisite for the vital participation of local and foreign investors in the different sectors of the economy at the scale required to accelerate and sustain industrial transformation.

Tanzania therefore needs this guiding document; a Blueprint which will guide the process of creating, in the shortest period possible, the required business-enabling environment for industrialization. This Blueprint provides a framework for reviewing the business-enabling environment (BEE) in Tanzania with a view to improving the business climate in Tanzania. The Blueprint comprehensively analyses the existing regulatory challenges in light of the best global practices. On the basis of the analysis, the Blueprint proposes robust principles and guidelines for reforms and clearly articulates general and specific areas for reform and ways of implementing the reforms. It sets out a benchmark for the government to undertake a holistic approach to challenges and constraints emanating from weaknesses in policy, regulations, delivery processes, and coordination, which in the final analysis retard the growth of the private sector. It provides an outlook for the robust growth of the private sector and a requisite regulatory regime with a view to (i) promoting fair and open competition where applicable; (ii) minimizing regulatory burdens and costs that can potentially stifle productivity and innovation; (iii) providing the necessary flexibility for the regulated industry to adapt to the rapid pace of technological change and on-going development of business models; and (iv) ensuring that the regulatory framework is clearly understood by both administrators and industry and is applied consistently so that industry has the requisite certainty to secure future investment

## 1.3. Objectives and Principles of the Reforms

### 1.3.1. Objectives

Generally, countries impose economic regulatory regimes with a number of objectives in mind. Among these are the need to protect the well being and livelihoods of human communities as well as the sustainability of businesses and the environment. This Blueprint is geared to the achievement of these generic objectives in the reform it proposes. In addition, the main objective of the BP is to propose reforms to improve Business Environment in Tanzania through reduction of the regulatory burdens and risks faced by businesses in complying with regulations. The reforms proposed will reduce the regulatory burden to businesses by:

- Adopting and implementing mechanisms that will promote and ensure an efficient regulatory policy. This will guarantee that the gains arising out of the reforms are not eroded by the introduction of new regulations of low quality;
- Simplifying the business-regulatory regime, including use of one-stop centers and single-window payment systems to avoid duplications and overlaps of mandates within the regulatory agencies;
- Promoting transparency of the regulatory regime by using Information and Communication Technology (ICT) platforms that provide information on regulatory processes to the general public.

### 1.3.2. Principles of Reforms

The Government considers this Blueprint as its key document to implementing the FYDP II components of BEE reforms. To this end, the Blueprint provides a framework for reviewing the business-enabling environment (BEE) in Tanzania with the view to achieving major improvements in the country's business climate. To achieve this, the Blueprint provides Guiding Principles on how to undertake a holistic approach to review policy and regulations, including providing a guide on how to enhance coordination among regulatory agencies. The Guiding Principles are also meant to steer management of the process of instituting new regulations.

The Guiding Principles for reforms in the Blueprint draw and improve upon the principles of a good regulatory regime. The Principles of creating a good regulatory regime entail ensuring transparency, efficiency, flexibility, certainty, and simplicity. Based on the experiences of the regulatory regime in Tanzania and best global practices, the reform proposals presented in this Blueprint (and new regulations that will be introduced in the future) are based on the following principles:

- i. Separating revenue motives from the regulatory rationale of regulatory agencies:** Charges and fees should clearly target those regulatory aspects that are, by their nature, service oriented (e.g. warehouse charges in the Warehouse Receipt Regulatory Board). The fees charged for licenses should not be considered as a major means of revenue generation but should be charged to cater for the cost of providing services or administration. The central and local governments ought to enact regulations that are not entirely directed at revenue generation but should also focus on protecting the livelihoods and well being of community members and ensuring a sustainable environment. Issues of national security and national cohesion should also not be lost sight of.
- ii. Using smart instruments for Smart revenue motives:** In cases where the revenue motive is justifiable, the administration of the revenue measures should not be too costly and excessively inconvenient to the private sector. The regulating agencies should weigh between the revenue yields against the costs incurred by the private sector in the course of collecting revenue. Single-window payment systems should be scaled up. Where relevant and applicable, market based regulatory instruments should be applied by setting changing prices; specifying the new rights /obligations (amount or type); and making existing private markets work better (e.g. in hunting blocks).

- iii. **Consolidating similar regulations and removing overlaps:** Related aspects/areas for regulation should be mandated to a single regulatory agency in order to enhance coordination and minimize transaction costs/regulatory burden on the part of the private sector and on the side of the government. Relatedly, the reform should consider consolidation of existing related regulations or use of one-stop centers.
- iv. **Treating regulations as an integral part of trade policy, competitiveness, protection of consumers and safeguarding the public goods:** Like in many other countries, the regulatory framework should be so engineered as to serve as an instrument of trade policy. Regulations should be enacted with the intent of promoting both domestic industries and export trade.
- v. **Paying heed to the overlap between the regulatory motive and sector/product promotion:** In case the general/central regulatory agencies overlap with a sector specific regulatory agency that is also mandated to promote the sector/product, the sector specific agencies should be assigned to the sector specific agency in order to minimize overlaps.
- vi. **Promoting fair and strategic competition, productivity and innovations:** Where applicable, reform should aim at minimizing regulatory burdens and costs that can potentially stifle productivity, innovation and competition. The Regulatory framework should aim at providing the necessary flexibility for the regulated industry to adapt to the rapid pace of technological change and on-going development of business models.
- vii. **Ensuring predictability, certainty, and consistency in application:** This entails ensuring that the regulatory framework is clearly understood by both administrators and the business community and is applied consistently (across geographic areas/sectors, etc.) and standardized as far as possible so that industry has the requisite certainty to secure future investment. Should there be a need for a policy change, a reasonable timeframe should be given to the business community to adjust accordingly.
- viii. **Carrying out Regulatory Impact Assessment (RIA) for all future regulation proposals:** The Guideline for the preparation of Cabinet Papers includes RIA as one of the requirements in all policy/regulatory proposals. This Blueprint thus serves as a reminder and calls for strict observance of the RIA requirement for all regulations proposed by MDAs and LGA by-laws. It should be made a mandatory requirement for all regulations and LGA by-laws which are likely to impact on business community to undergo a thorough and detailed Regulatory Impact Assessment.
- ix. **Upholding the Government regulatory role (De- regulation does not mean lack of regulation):** The Blueprint proposals are meant to remove redundancies and superfluous regulatory requirements in order to enhance ease in doing business in Tanzania. Implementation of the proposed reforms should leave the Government with regulatory framework which is more effective in protecting the well being and livelihoods of community members. It should also ensure fair competition, sustainable environment and not compromise national interest or national security.
- x. **Addressing Operational Inefficiency within and across regulatory agencies:** Regulatory agencies should review and enhance internal and external transparency and communication, including strict adherence to the performance management culture, e.g. the Citizen's Client Charter, Performance Pledge and Customer Strategy, and guarantee timely feedback to the private sector as enshrined in the approved Client Charter.

It is hoped that reforms guided by these principles will make Tanzania a place where business licensing serves a legitimate regulatory role rather than being primarily a revenue collection device. Its legitimate regulatory purpose is protection of the environment, public safety, public security, consumer protection, competition, and fair trade. Where revenues are collected, these principles guarantee efficient modes of revenue collection through elimination of unnecessary administrative processes in license application and issuance processes.

Furthermore, the principles call for amalgamation of overlapping mandates and elimination of duplication of information requirements through improved coordination within the different regulatory agencies in the business licensing process.

The proposed reforms aim at promoting an efficient business licensing regime that minimizes the costs incurred by businesses in complying with licensing requirements. This will promote transparency and raise compliance by the private sector.

These principles will also enhance transparency in government operations, support rule-based decisions and promote accountability in the public sector. They will also enhance partnership and dialogue with the private sector. These will also allow the application of risk-based approaches to licensing and inspection functions performed by the various regulatory authorities.

## **1.4. Methodology**

This Blueprint has been undertaken by using a combination of requisite methodologies. They ranged from review of documents, consultative discussions and interviews (i.e. interviews and focus group discussions) as well as administering data collection tools.

### **1.4.1. Documentary Review**

Members of the Technical Team identified and critically reviewed literature and studies that have addressed diverse issues on doing business in Tanzania Mainland. Thus, Government reports, World Bank Reports and studies undertaken by various stakeholders in both the public and private sectors in the field of business environments were reviewed and analysed.

### **1.4.2. Policies and Legislation**

Government policies on various sectors and Ministries that have a direct impact on the process of conducting business in the country were identified and scrutinized. Unclassified correspondences from some of the stakeholders from the private sector addressed to the Government on different matters relating to the challenges experienced in conducting business were accessed by the Team and reviewed thoroughly.

Legislation (principal and subsidiary), guidelines and government circulars that have a bearing on starting and operating businesses in the country were also located and analyzed. About 2,000 by-laws from select LGAs on Tanzania Mainland enacted between 1984 and 2016 were obtained from PO-RALG. These were subjected to a thorough pre-review assessment to capture relevant themes for the Blueprint. The by-laws were then sampled to ensure a wider coverage of all geographical regions.

In the course of sampling the by-laws, emphasis was placed on capturing the most current by-laws and those which had provisions covering sectors considered by stakeholders to be critical to doing business in the country. Particular attention was paid on by-laws which sought to regulate, among other activities, revenue collection in the agriculture, tourism, transportation, mining, communication, and construction sectors. LGA by-laws with provisions covering the regulation of utilities, such as electricity and water, were also analyzed. Crosscutting issues, for example those relating to ICT and Health, were also taken into account.

It transpired that some of the LGA by-laws obtained did not have the requisite Government Notice Numbers which are necessary to prove their authenticity. Others covered issues which are too general and not relevant to the theme of the Blueprint. These were omitted from the analysis. Ultimately a total of 120 by-laws of LGAs spread over 26 regions, representing each geographical area in the country, were subjected to critical analysis.

Although the Team could not ascertain whether or not the by-laws analyzed were still in force, the analysis has revealed a lot on the approach of the by-law making regime and the impact these have had on doing business in the Country. Some by-laws do not state whether they repealed or amended the by-laws that preceded them.

The Team also critically analyzed 50 Regulations made under the principal legislation considered critical to doing business in Tanzania. This sample, in our view, represents the state of affairs in relation to the impact they have had on doing business across the spectrum.

### **1.4.3 Consultations with MDA's and LGAs**

The Technical Team consulted representatives from over 60 MDAs with regulatory functions and representatives of LGAs in a retreat working session mode. The 2-3 day retreats were structured in a manner that brought together Regulatory Agencies from different government sectors. During the workshops officials of these sectors interacted and discussed amongst themselves issues pertaining to their experiences in enforcing legislation governing their Agencies. They interacted in a generally relaxed atmosphere where they had an opportunity to meet physically, some for the first time.

Representatives from regulatory agencies were later divided into groups and required to state their lines of responsibilities, identify areas of commonality, overlaps, linkages and share the challenges experienced in the course of undertaking their respective roles. Groups were tasked with issues to address relating to their institutions. The issues ranged from cross-sector or institutional challenges experienced in the course of enforcing legislation in their sectors, in dealing with business owners and in collecting revenue. The groups later reported their deliberations in plenary sessions where all participants provided further inputs and insights on the presentations made. Every effort was made to arrive at a consensus in the course of making recommendations aimed at ironing out bottlenecks with a view to improving the business environment in the country for both the private sector and government officials.

In depth discussions were held during retreats with stakeholders from the Government and the private sector. The retreats were very effective. Members of the research Team took time to interact with participants during the retreat sessions. They held one-on-one unstructured interviews and probed issues relating to the practical aspects experienced by officials in the sectors. In some cases, the interactions with officials enabled team members to access more literature, reports and legislation, especially subsidiary legislation. Subsidiary legislation are usually very difficult to come by, even by seasoned researchers and lawyers.

It is important to emphasize here that the retreats provided additional and critical data that was conspicuously absent in the reports and other literature that the team reviewed. The retreats also proved to be comparable to the Focused Groups Discussions methodology employed to collect data in field research. Furthermore, in the course of interacting with officials from the Regulatory Agencies and other stakeholders, members of the research team were better placed to make observations and draw conclusions from such observations, which would otherwise not have been possible. For example, in some instances, although there may have appeared that there was consensus on certain matters; the observations of the reactions of some participants gave a different impression.

The retreats also enabled members of the team to participate by probing issues that emerged in the plenary sessions after group presentations. The opportunity to assist in responding to queries in the sessions also enabled the team members to capture different perspectives, views and ideas.

In relation to the LGAs, a three-day retreat was convened in December 2016. The retreat was fully dedicated to addressing diverse issues in doing business in Tanzania from the perspectives of the LGAs. Three officials from the PO-RALG, the main Ministry that represents LGAs, represented the LGAs and contacted the respective LGA whenever clarification was needed. In February 2017 the same three officials from PO-RALG joined the Team in drafting the Blueprint. The session provided them with an opportunity to review the sections of the Blueprint that are particularly relevant to LGAs and PO-RALG in general.

#### **1.4.4. Private sector discussions**

Consultative workshops and meetings were conducted with the private sector through various umbrella organizations. These included TPSF, CTI, TCCIA, JWT, TAFFA, TATOA, TABOA, TACECA, EU BG, APHFTA, TCT, ACT, ACCT, etc. Annex 3 provides a list of private sector organizations and members that took part in various meetings, discussions and consultative workshops.

#### **1.4.5 Data Collection Form (Questionnaire)**

The Team developed questionnaires and used them to collect data from LGAs, MDAs and private sector (Annex 5&6). The data required by the Form included types of permits/licenses, their validity and purpose. Other issues that the Forms required included data on the time duration a permit takes to be processed and issued; challenges encountered in enforcing the pertinent permit conditions; renewal processes and whether or not the permits/license application documents are accessible on-line. The Forms also required the official to propose measures that could be applied to reduce the burden that has been imposed by the permits/license application process with the view to easing the process of doing business in the country.

The Forms were distributed in advance to officials from the organizations who took part in the retreats and discussion sessions. A one - day training session was conducted where the representatives and liaison officers (who are also members of technical committee) from different regulatory bodies were guided through the forms by the technical team to ensure clarity prior to filling them.

In addition to the forms, officials were required to submit relevant attachments as required by various questions in the data collection instrument. These attachments included the by-laws, regulations and documents relating to fees, levies and charges connected to particular permits.

The team received about 380 filled forms from the regulatory agencies, LGAs and private sector. There were however delays in the submission of the forms by some agencies and the private sector.

The data collected from the Forms was coded using the Statistical Package for Social Sciences (SPSS) software and was later transferred to the Stata program for analysis. The results were thereafter tabulated, synthesized and analyzed to provide statistics to back up the reform proposals.

#### **1.4.6. Analysis and Drafting**

Drafting of the Blueprint was guided by an annotated outline, which was shared with MITI. The team analyzed all relevant data and then drafted the Blueprint. The analysis process helped to cluster the challenges in doing business in Tanzania in four main categories:

- i. Duplication of mandates;
- ii. Conflicting mandates;
- iii. Operational inefficiencies (e.g. time taken to issue a particular permit/license) and ad hoc procedures (e.g. multiple and duplicating inspections, etc.); and
- iv. Unreasonable amounts of fees or charges.

The data collection tools helped in articulating specific permits/licenses/procedure/ fees that are involved in specified challenge categories. Recommendations on possible reforms were then made taking into account implications on various issues, including timeframe for reforms and fiscal considerations.

Based on economic analysis, Guiding Principles were formulated (Section 1.3 above). The Principles are meant to guide reforms of the existing regulatory regime and/or introduction of any major regulations in the future.

With regard to legal issues, provisions of principal legislation, Regulations and LGA By-laws were critically analyzed and the emerging challenges pointed out. The analysis focused predominately on select strategic sectors. These are agriculture, tourism, transport, construction, communication, mining, environment and natural resources and health. The primary focus of LGAs in this context is to assess their impact on Government's effort to reform their roles in issues relating to issuance of permits, licenses and collection of revenue in the course of executing their statutory functions.

## **1.5. Scope of the Blueprint**

This Blueprint focuses primarily on the review of and recommendations to reform the business regulatory framework in Tanzania. To the extent possible, each stage of the business chain was assessed to bring up key challenges pertaining to starting a new business as well as those related to a day-to-day operation of businesses. To better uncover all possible channels through which the business challenges may emerge, the analysis reviewed policies, laws, regulations, procedures, licenses, levies, taxes, fees, inspections, and other related issues relating to the business environment, as administered by all the MDAs and LGAs in Tanzania. As opposed to related previous studies, a much deeper assessment of business challenges emanating from the LGAs was undertaken.

The Team however acknowledges that the scope of business environment includes other aspects such as infrastructure, stock of skills, cultural dimensions, among others. It further recognizes that policies, laws, regulations, procedures, licenses, levies, taxes, fees, and inspections do not operate in a vacuum. In this light, effective implementation of the recommendations given in this document requires improvement in other areas within the broader scope of business environment as well as administrative arrangements and measures such as sensitization of stakeholders, monitoring and evaluation and enforcement.

# 2

## LITERATURE REVIEW



## 2.1. Introduction

This Chapter provides highlights on the studies, reports and documents that have addressed issues relating to improving the business environment in Tanzania. It focuses on a number of challenges in this regard and the proposed methods of addressing the identified challenges. The studies, reports and documents have basically reflected and adopted the World Bank's doing business indicators which cover areas such as starting and registering business entities, operating business entities, regulation of labour and cross border trade. Other indicators given by the Bank include registering property, enforcing contracts, resolving insolvency and enabling policy and legislative framework for regulating businesses. Review of the studies, reports and documents provides some highlights on the current state of affairs regarding business doing in Tanzania. These studies have provided important insights in charting the way forward for this Blue Print.

Admittedly, the indicators identified in the World Bank Report are critical in improving business environment. They must however be viewed and construed in the light of other parameters, local circumstances and demands relating to issues that affect doing business in specific jurisdictions. It is in this regard that this Blueprint views the factors affecting the businesses enabling environment in the country by focusing on select sectors of the economy. Highlights on some of the indicators developed by the World Bank in the context of the situation in Tanzania are henceforth presented.

## 2.2. Starting and Registering Businesses

Studies on the state of business environment conducted in Tanzania have addressed the challenges of starting and registering businesses in the country in the context of procedural requirement and related costs. In doing so, the studies provide useful insights on the inherent challenges. The studies also provide useful tips on ways governments with other stakeholders can address some of the identified constraints. The World Bank Doing Business Country Report articulates the number of procedures, time taken and monetary cost incurred to establish a new business in Tanzania, albeit with data only from Dar es Salaam (World Bank, 2017). Other studies have addressed specific sectors and the challenges identified and the recommendations drawn are accordingly sector specific (cf. Tanzania Chamber of Commerce, Industry and Agriculture, TCCIA. March 2016).

The TCCIA Report points out that the procedures and costs of establishing a business is complicated by, among other things, the multiplicity of Regulatory Agencies with attendant tax revenue collection procedures. The National Environment Council (NEMC), OSHA, TFDA, TBS, FIRE Department, WMA and EWURA are some of the authorities that have been pointed out as one of the agencies that are sources for a multitude of procedures with the consequence of increasing cost to the business operators. Local Government Authorities (LGAs) have also been blamed for causing unnecessary hurdles in starting and registering businesses through provisions in their by-laws.

Like other studies, the TCCIA Report underscores the need for re-aligning the various roles and functions of the Agencies to remove duplicity and multiplicity and consequently cut start-up costs through amending the relevant legislative enactments. Other studies (e.g. World Bank, 2015) have recommended establishing a one-stop shop – a single point of contact - for streamlining information on starting business in Tanzania as a solution.

Issues relating to unexpected and huge annual compliance costs due to the multiplicity of taxes and levies, which escalates operational costs of doing business, have also been documented. Another TCCIA Report captures the general perceptions of the views of stakeholders in various industries relating to the costs of doing business in the country.

## 2.3 Operating Businesses

It has been observed that operating business in Tanzania also faces regulatory challenges relating to conflicting and overriding mandates of some of the regulatory agencies. Some of the challenges are generic and some are sector-specific.

Correspondences from the private sector suggest that the existing regulatory regime is characterized by overriding or unclear lines of authority in the decision making procedures. Furthermore, issues of discretionary (and therefore potential for abuse of) powers granted to those in decision-making positions as regards to renewal of permits or licenses have also been pointed out as a constraint to operating business. The private sector, for example, has pointed areas of controversy such as surprise visits by inspectors from NEMC and OSHA who impose some dubious fines thereby leaving room for corrupt practices. Likewise, fees and levies charged by TFDA, TBS, WMA, Fire and Rescue Operation are considered unreasonable and exorbitant. Another concern is with bureaucratic procedures that cause undue delays in operating businesses in the country.

As is the case with starting business, LGAs have also been blamed of intervening in many processes at the operation stage by way of unpredictable inspection visits, fees and charges, etc. Their interventions have been a source of some of the complaints from the private sector. Some LGA by-laws are silent on the key aspects of regulatory and revenue administration. A good example pointed out is the anticipated number of days a particular business permit/license would take. This creates a loophole for unnecessary delays and bureaucratic bottlenecks.

## 2.4 Regulating the Labor Market

Studies have emphasized the fact that an enabling environment for doing business requires clear guidelines and a regulatory regime that permits free movement of labor and a well-regulated employer and employee system. Tanzania's regulatory regime governing labor and employment relations addresses matters pertaining to work-permits for expatriate staff, employment disputes, health, safety, and welfare of employees. Issues relating to the regulation of employment and labor relations in Tanzania have raised some concerns from a cross-section of members from the private sector. Generally, there is a feeling that compliance and administrative mechanisms of such regulations are costly to the private sector. As a result, due to the inability to keep up with the burden many businesses reduce their workforce and limit their expansion. It has also been pointed out that restrictive labor laws on expatriate staff complicate filling the skills gap in critical positions of businesses.

Complaints have also been raised relating to labor law provisions tend to be biased towards the rights of employees. This makes it difficult for employers to fire incompetent and under-performing staff. It has been observed that matters are complicated further by the challenges of complying with immigration requirements in the course of recruiting competent employees from outside the country, including experts within the East African region.

## 2.5 Cross-Border Trade

Trade across country boundaries has evolved with regulatory regimes for the control of cross border exchange. Customs and Immigration departments have been equipped with technology to detect goods and products that are ferried across exit and entry points. According to the World Bank Report, Tanzania ranks poorly, among other things, in the area of custom procedures pertaining to cross-border trade. Apart from the Bank's report, there are other studies that provide more insights on the issue. Haulage Trucks that use the Dar es Salaam Port to ferry goods on transit to other countries in the region have raised complains on unnecessary logistical delays and bureaucracy in clearance services. Stakeholders in the clearing and forwarding sector have raised similar complaints.

Credible evidence obtained from correspondences availed by the Ministry of Industry, Trade and Investment (MITI) reveals that there is cross-border filtration by way of under declared value of goods finding their way into Mainland Tanzania and making it difficult for relevant industries in the country to compete effectively in the market. (See letter dated 1 November 2016 with Ref. No. TOSMA/12/2016 from the Tanzania Association of Oil and Soap Manufacturers Association.) The importation of oil and soap from Kenya and Uganda without payment of the requisite import duty (25%) for finished goods has also led to complaints from the Tanzania Oil and Soap Manufacturers Association. The

Association has noted that dumping of these under declared products has made it difficult for members to compete on the market due to loss of revenue. The dumping has, according to the Association, also led to loss of 2,000 employees within a week! (See letter bearing Ref. No. TODMA 11/SOAP/2016 dated 21 October 2016).

The anecdotal evidence highlighted above on cross-border implications for conducting business indicates only a tip of the ice-berg. A number of complaints have been raised in the country from a cross-section of other business entities relating to cross-border issues. Truck and bus owners have been on the media outlets with complaints relating to this theme. This clearly shows the need to compile more data on the matter.

## **2.6 Registration of Property**

According to the World Bank Report, the concept of property in the context of registration is in relation to tenure rights. It has been noted that in some jurisdictions land speculation, often by businesspersons, is a very common practice and has posed a significant challenge to government. Investors have been given land to undertake various activities they had applied for, but have failed to do so. Some have obtained loans from banking and financial institutions, for which they have offered title deeds as collateral for the loans and consequently end up being engaged in activities not initially planned when applying for the land/property.

Reports also show that the duration it takes to register a property for purposes of registering and starting businesses is often as long as 67 days, and is protracted and riled with challenges emanating from the regulatory regime. The process of transferring land from one person or entity to another, it has been noted, is also challenging and this has a significant effect on doing business. In Tanzania, ownership of land is restricted to only citizens of Tanzania. Foreigners can only have access to land through the Tanzania Investment Centre (TIC), by way of derivative rights. Some stakeholders have lamented that this process and the above challenges have a negative bearing on setting up and conducting business in the country.

## **2.7 Enforcing Contracts**

An enabling business environment requires a transparent, effective and efficient system of settling commercial disputes. The removal of stringent procedural process in courts of law can have a negative impact on business. The World Bank Report ranks Tanzania very well in the area of enforcing business related contracts in courts of law.

## **2.8 Resolving Insolvency**

Insolvency in business operations refers to a situation whereby a business entity cannot raise sufficient funds to continue operations and meet its obligations to pay debts and consequently becoming bankrupt. It is in this regard that the procedures in setting up and operating businesses must provide an atmosphere to ensure that businesses are run smoothly and efficiently. The World Bank Report also ranks Tanzania very well in this theme.

## **2.9 Special Enabling Policy and Legislative Frameworks**

Tanzania has several policy and legal frameworks aimed at reducing bureaucratic costs and facilitate business. A special facet of these frameworks is the conception of one-stop center where business could find most of the regulatory authorities lined up in order to serve the investors and business in general. The Tanzania Investment Centre (TIC) and Export Processing Zone Authority (EPZA) are a case in point.

The EPZA is responsible for steering and implementing government policy on promotion of Special Economic Zones (SEZs), including development of infrastructure for Export Processing Zone (EPZ) and Special Economic Zones (SEZ), provision of business services to EPZ and SEZ investors. The Authority performs these functions as a One Stop Service Centre for all prospective and existing investors. The services include obtaining factory space or serviced land in or outside the existing industrial / commercial parks, company licensing and registration process, administrative procedures in getting tax incentive and in obtaining visas and work permits. EPZA also assists investors in logistics for clearing and forwarding of merchandise at the port, provision of useful contacts of key public and private organization, identification of potential suppliers and partners for joint ventures as well as in post - investment support.

The Tanzania Investment Centre (TIC) was established in 1997 by the Tanzania Investment Act. The TIC is mandated to coordinate, encourage, promote and facilitate investment in Tanzania. TIC deals with all enterprises whose minimum capital investment is not less than US \$ 500,000 if foreign owned or US \$ 100,000 if locally owned. TIC operates as a One-Stop-Shop investment facilitator in assisting investors to obtain all permits, licenses and visas; grant land derivative rights to investors; navigate administrative and regulatory hurdles; and provide aftercare' service to TIC registered investors. The Tanzania Investment Centre (TIC) launched its upgraded one-stop centre in 2016 by bringing under one roof ten ministries and regulatory agencies.

The lessons from the implementation of one-stop government service centers such as TIC and EPZA, shows that room exists for scaling up the approach, specifically by avoiding the weaknesses found to be inherent in the design of EPZA and TIC. For example, TIC is designed to serve only a small group of business community satisfying the TIC's customers' eligibility criteria. By design, local business community either with less than USD 100,000 capital or located in different regions of the country or both (which constitutes the largest share of the investors in the country) cannot optimally benefit from the existing center. The current setup of one-stop centers also suffers from institutional fragmentation; whereby enterprises engaged in mining and petroleum follow additional approval process outside TIC.

## **2.10 The Role of ICT in Business Enabling Policy and Legislative Framework**

Information and Communication Technology (ICT) has immense contribution to reducing the regulatory burden through on-line procedures, integration of agencies' databases, etc. It is however noted that, despite remarkable global advances in Information and Communication Technology (ICT), Tanzania BEE regulators have yet to realize the full potential of integrated information systems that store and share sufficient data on individuals and businesses. Sharing of information amongst institutions enables enhanced service delivery not only through increased transparency and efficiency in information flows, but also through reduced transaction costs for the citizen or business owner. Shared data provides room for better analysis to inform policies that address the critical challenges faced in promoting private sector growth. ICT alone, however, cannot overcome limitations faced in servicing the private sector; therefore reforms in terms of legal review are required.

## **2.11. Summary of the review**

An enabling policy and legislative framework is fundamental and a prerequisite for ensuring an enabling business environment. Many studies on this area have critically analyzed various sector policies and provisions of laws that negatively affect business transactions and make recommendations for reform. Most of the studies on this theme have, however, been too general, focusing on select pieces of laws, essentially principle laws. Only a few have delved on subsidiary legislation (regulations, by-laws, proclamations, orders, notices, etc.). Furthermore, challenges in conducting business attributed to LGA by-laws, which have a direct impact on operations of businesses in the country, have not been sufficiently studied. Consequently, proposals for reforms have focused primarily on principal legislation, thus neglecting the need to also focus on subsidiary legislation, especially LGA by-laws.

The Blueprint addresses the aforementioned weakness and identifies key sectors of the economy to form the focal point for the proposed reforms. These are the agriculture and agro-processing; natural resources and tourism; mining and minerals; communication; construction; health; transportation; energy; and logistics sectors. The sectors have been purposefully selected due to their importance in transforming the economy through industrialization of the country as well as by virtue of their prioritization in the government's FYDP II. The other compelling reason for focusing on the identified sectors is the constant outcries from various stakeholders regarding business bottlenecks in the select sectors.

To a great extent, the process and approach used in the analysis of the select sectors to lay down the basis for the proposals made in this Blueprint reflects the indicators promulgated by the World Bank. As pointed out earlier, the deviations from the World Bank indicators in isolated cases are mainly due to the peculiarity of the circumstances in Tanzania. Analysis of the select sectors with this hindsight is the focus of the next chapter.

# 3 ANALYSIS, FINDINGS AND REFORM PROPOSALS



### **3.1. Introduction**

This Chapter presents the national and sectoral level regulatory issues and recommendations for reform of policies, laws, regulations, levies, taxes and other issues related to the business-enabling environment. The Chapter focuses on the identified main sectors of the economy for analysis, including agriculture, natural resources and tourism, construction, health, energy and minerals and transportation sectors. As noted above, the sectors have been purposefully selected due to, among other things, their having been prioritized in the Government's FYDP II and the constant outcries from various stakeholders in the business sector concerning the bottlenecks they experience. The chapter also covers crosscutting agencies such as TBS, TFDA and OSHA that affect business activities across all the sectors.

The analysis is informed by the major findings from literature, consultations and newly collected data on issues relating to policy, legislative, licensing, and levy and taxation regimes in the country. The approach adopted in this chapter recognizes the fact that, on the one hand, there are major regulatory agencies that cut across all sectors and those which are sector specific. On the other hand, challenges faced during the initial stages of establishing a business (i.e. business licensing) could be different from those experienced during day-to-day operations of the already established businesses. It is also important to note that the national and sectoral layers co-exist with LGA issues.

In the course of reviewing the sectors, reference is made to the indicators provided for in the World Bank Report, which include starting and operating businesses, regulating markets, cross-border trade (in relation to immigration, transportation and the health sectors) and the enabling policy and legal framework. General challenges related to starting business in the context of the selected sectors are presented taking into account those regulatory issues that are cross-cutting.

Analysis of the sectors is preceded by a general overview of issues in the regulatory regime that are of a cross-cutting nature. In this sub-section focus is on the challenges relating to starting business and beyond licensing issues which are within the mandates of regulatory agencies such as TBS, TDFA, WMA, OSHA, Immigration and, labor, NEMC, etc. An overview of specific sectoral issues focusing on tourism, agriculture, transport and logistics, construction, and health are presented as well.

It is worth noting upfront that analysis in this Chapter is purposefully confined to issues concerning starting and registering businesses (permits, licenses, procedures and costs), operating businesses (paying taxes, registering products and inspections) and the dynamics of regulating the labor market.

### **3.2. General and Crosscutting Regulatory Issues**

This section presents general and crosscutting regulatory issues/roles. The presentation focuses on the roles of crosscutting regulatory agencies as well as of sector specific regulatory agencies.

A general note for the crosscutting and sectorial regulatory agencies is that other countries also do have these organs/bodies. However, the main issue is that the business environment is friendlier in most of other countries compared to Tanzania (see World Bank Doing Business Report, 2017). The analyses presented in the subsequent subsections partly explain why Tanzania is ranked relatively low in this area.

#### **3.2.1 Starting Business – General Business Licensing**

One of the areas that negatively affect the business environment in Tanzania concerns difficulties and challenges associated with starting a new business. By starting business we mean all procedures and requirements associated with registering and eventually obtaining a formal license to run business in the country. Depending on the nature

and classification of the business, its registration and licensing may involve the Tanzania Revenue Authority (TRA), BRELA, Ministry of Industry, Trade and Investment, and specific sector regulators, or Local Government Authorities. Regardless of where the registration/licensing takes place, a number of challenges have been raised in relation to procedures, fees and time taken to complete the process. The major challenges experienced by applicants and their legal origins are discussed in the next paragraphs.

Analysis shows that there are several sector specific regulatory licenses governed by a multitude of legislative enactments regulating agricultural, agro-processing, agri-business, tourism, construction, health, energy, minerals and transport sectors. In an attempt to streamline the licensing regime in Tanzania, the Parliament enacted a Business Activities Registration Act (BARA) in 2007. The consequential effect of this Act was to repeal the Business Licensing Act 1972. The purposes of BARA were to: (i) regulate businesses; (ii) keep the records; and (iii) simplify the business registration procedures. BARA aimed at simplifying the business registration procedures by:

- Cutting down the time consuming prerequisites such as permits. It provided a list of relatively simple requirements that the applicant had to meet for the sake of registering a particular business activity. However, after getting a certificate of business activity, the businesses were required to make sure that in conducting their activities they complied with the requirements stated in other laws. (Section 16 of BARA).
- The certificate of registration of the business activity was to be valid infinitely. (Once registered, always registered). Section 15 of BARA.
- Registration of the business activity was not to be charged any fee.
- Registration centers were to be established in each local government authority at the district level, in accordance with Section 7 (1) of BARA
- Issuance/ granting of the certificate of registration was to be done immediately after the application, according to Section 14 (1) of BARA.

However, BARA 2007 was short lived and never came into operation mainly due to the following challenges:

- The Government realized that business licenses are a good source of revenue and therefore BARA could cause the government to lose revenue.
- Apart from losing revenue, BARA would have caused the government to lose annual business information since once registered a business did not require to undergo the renewal process.
- It was considered not ideal to drop the prerequisites because the business community presupposes that they had to comply with the requirements of other laws before the start of any business.
- The Government, through the Ministry of Industry, Trade and Investment, was in the process of establishing a national business portal through which issuance of business licenses would be on line.
- Institutional arrangement under BARA would have created difficulties in the implementation. For instance, there were to be two Ministries responsible for BARA implementation: the Ministry responsible for Trade and the Ministry responsible for local government (refer to section 3 and 9 of BARA). The Chief Registrar of business activities was to be BRELA (under the Ministry for trade) while the Registrar was under the Ministry responsible for local government. The Registrar is answerable to the Chief Registrar, but these two positions belong to separate chains of command.

### **3.2.2. Standards, Safety, Quality, Weights and Measurements**

Apart from the presence of overlaps at the business licensing and registration stage, overlaps and conflicting mandates have also been noted among national level regulatory agencies that deal with standards, safety, quality, weights and measures. These regulatory agencies include the Tanzania Bureau of Standards (TBS), Weights and Measures Agency (WMA) and Tanzania Food and Drugs Authority (TFDA). While the overlaps are more pronounced at the operational level of these agencies, the problem is not very acute in terms of their legal mandates.

TBS, TFDA, and WMA mandates cut across many sectors when it comes to regulating business activities in the country. There is certainly a need to improve coordination to solve the challenges. An overview of the legislation of select agencies, viz. TBS, WMA and TFDA brings the challenges to the fore.

#### **The Weight and Measures Agency (WMA)**

The WMA is established by the Weights and Measures Act Cap. 340 Executive Agencies Act, (Cap. 245). The WMA Act makes provisions for issues concerning weights and measures and provides for the International System of Units (SI) in Tanzania. Section 15 of this Act vests in the Commissioner for Weights and Measures the mandate of setting standards. The Commissioner is also responsible for the verification or re-verification of all weights, measures, weighing, or measuring instruments used or intended to be used for trade in the United Republic. Certification is done by way of inspection calibration and verification. The Agency also advises manufacturers and other clients on the proper use, care and custody of weights and measures. The law permits the WMA to delegate its functions to other institutions.

The WMA's main function is to protect consumers by putting in place systems to regulate legal metrological control which includes legal control of measuring instruments, metrological supervision and metrological expertise in trade, health, safety and the environment. Its specific roles are provided for in Weights and Measures Act (Cap.340) and the Executive Agencies Act (Cap.245). WMA is accordingly charged with:

- Protecting consumers in the course of transactions against consequences arising from trade, safety, health and environment in relation to legal metrology;
- Approving measuring instruments to be used in public or private transactions in trade, safety, health and environment sectors;
- Controlling the use of measuring instruments in public and private transactions, including pre-packaging of products; and
- Providing information on Legal Metrology in general and ensuring that legal metrology measurement standards are traceable to national and International measurement standards.

In the course of undertaking its roles, the WMA is also required to liaise with regional and international organizations with similar objectives.

#### **Tanzania Bureau of Standards (TBS)**

The TBS is established under the Standards Act No. 2 of 2009. The Act provides for the promotion of the standardization of specifications of commodities and services. It recognizes that TBS is the custodian and an overseer of observance of standards in Tanzania. Under section 4 of the Act TBS is mandated to perform, among other functions, the promotion of standardization in industry and trade, assisting the Government or any other person in the preparation and framing of standards, co-operating with other government agencies, representatives of any industry or any other statutory corporation or person with the view to securing the adoption and practical application of standards. It is also required to conduct inspection, sampling and testing of locally manufactured and imported commodities in order to determine compliance with the Standards Act or any law dealing with standards relating to those commodities. TBS also has power to grant, renew, suspend, vary or cancel any license issued for the use of any standard marks.

Section 4(2) requires TBS to maintain a system of consultation and cooperation with any body established by or under any written law and having functions similar to those vested on it or relating to industrial or commercial standards. It is important to note that section 4 (3) of the Act provides that the standards set by the TBS and declared by the Minister responsible for industry and trade, prevail over any other existing standards.

The law further provides for powers of making Regulations whereby the Minister responsible for local government authorities in consultation with the Minister responsible for industry and trade are empowered to make regulations. Regulations can be made on matters in respect of payable fees, levies and other charges; their amounts; and the persons who shall be liable for their payment. Some of the main regulations include:-

### **The Standards (Tested Products) Regulations 2009**

These Regulations, (Regulation 3) provide that the TBS has the mandate to issue a tested product certificate in respect of a product which complies with the appropriate requirement as defined by the Bureau. Regulation 4 requires manufactures and dealers of a product to apply for the certificate. The application must be accompanied by a fee and inspection charges. Regulation 7 requires TBS to make inspections regularly without giving notice to ensure that conditions of the certificate are being complied with.

### **The Standards (Certification) Regulation, 1981**

These Regulations provide for regulating the licenses granted to applicants. They require applicants to apply for a standard mark or marks for commodity or process manufactured or treatment of any commodity. Regulation 3 prohibits application of a standard mark to any commodity or process unless the holder has been granted a license. Regulation 4 requires that license applications be accompanied with the prescribed fee. Inspection is done before and after issuance of the license.

### **Tanzania Food and Drugs Authority (TFDA)**

TFDA is established by the Tanzania Food and Drugs Authority Act Cap 219. The Act provides for efficient and comprehensive regulation and control of food, drugs, medical devices, cosmetics, herbal drugs and poisons. This Act establishes the Tanzania Food and Drugs Authority (TFDA). Section 5 of the this Act empowers TFDA to regulate all matters relating to quality and safety of food, drugs, herbal drugs, medical devices, poisons and cosmetics, to ensure clinical trials on drugs, medical devices and herbal drugs are being conducted in accordance with prescribed standards, foster co-operation with other institutions or organization and other stakeholders, examine, grant, issue, suspend, cancel and revoke any licenses or permit, appoint inspectors and order inspection of any premises, prescribe standards of quality in respect of products regulated under the law, manufactured or intended to be manufactured or imported into or exported from the United Republic.

In discharging its functions TFDA is required under section 5 (2) to maintain a system of consultation and cooperation with various institutions which deal with atomic energy, Fisheries and Forests and Bee keeping, TBS, Directorate of Veterinary Services or anybody or Institution established by or under any other written law or having functions which relate to food, drugs, medical devices and herbal drugs.

Section 9 establishes a Board of directors to govern TFDA. The Board comprises of a Chairman who is the Permanent Secretary in the Ministry responsible for Health, representative from Attorney General Office, Chief Medical Officer, Director of Veterinary Services, Director of National Food Security, Chief Government Chemist, Director of TBS and a representative from the Local Government, Director of the Tanzania Food and Nutrition Center and Director General of Medical Services in the Revolutionary Government of Zanzibar. The board tries to involve necessary stakeholders in various sectors such as standards, drugs, food, and legal. It is clear therefore that the composition of the Board suggests an avenue/platform that could have been used to minimize operation overlaps. However, the experience and complaints received from the private sector does suggest that the platform was not being utilized effectively.

Section 14 establishes the TFDA laboratory which has a duty to perform all functions relating to the quality of products regulated by the law. However, the law under section 14 (5) requires TFDA to take cognizance of the existence of the Government Chemical Laboratory Agency (GCLA) for analysis of food, drugs, cosmetics and medical devices and also where necessary to seek assistance of GCLA Laboratory.

TFDA issues various licenses and permits. Section 20 provides that an application for a license or permit must be accompanied by the fee prescribed in the Regulations. Section 121 of the Act empowers the Minister responsible for health upon consultation with TFDA to delegate some functions or powers of TFDA to any other institution or body of persons.

### **Tanzania Food, Drug and Cosmetics (Transport of Meat) Regulations, 2006**

These Regulations cover all matters related to transportation of meat. The transportation of meat is also regulated by some LGAs through by-laws. The Regulations require applicants to apply and pay the prescribed fee to TFDA for a license to transport meat.. Regulation 7 sets standard specifications to be complied with by carriers and requires the carriers to obtain a meat movement permit signed by the meat inspector in charge. Regulation 6 empowers inspectors to inspect carriers or containers used to transport meat.

### **The Tanzania Food, Drugs and Cosmetics (Food Hygiene) Regulations, 2006**

Regulation 4 (1) prohibits the use of any premises for the purpose of manufacturing, selling, preparing, packaging, storing or displaying for sale of food without possession of a license issued by TFDA. TFDA is required, under Regulation 4 (2), to inspect and register premises before issuing licenses.

Regulation 7 requires owners, operators or those in charge of growing, harvesting slaughter, milking and fishing operations to ensure such premises are clean so that they do not pose threat to the safety of food, or contaminate food or water supply. It sets standards of sanitary facilities that have bearing on the quality of food premises such as the presence of adequate sanitary conveniences, availability of water supply from adequate sources and adequate sewerage systems.

For the purpose of ensuring that all standards and specifications set out by the law are observed the TFDA Act under Section 105 mandates the Authority to appoint and authorize inspectors or officers appointed under any law whose functions relate to the functions of the Authority to perform specific functions as inspectors. In this line TFDA is allowed to use health officers working with the local government authorities to perform functions and powers vested to it by the law. In this context, the provisions of the LGA by-laws that seek to address issues covered by the TFDA Act must be read together with this Act.

TFDA covers a lot of ground and its functions cut across many other fields and disciplines that were either not contemplated at its inception or have emerged since it was established. In this regard, the representation in the Advisory Board does not reflect new developments (players) in the regime, which have emerged due to new legislative enactments.

The drawback of the Regulations made by institutions that have similar roles with TFDA is that they do not make cross-reference to the law establishing TDFA (except is in a few isolated cases). The Regulations made under the TDFA Act also do not make cross-reference to all the relevant laws establishing other Regulatory Authorities.

## Regulatory issues

### i. Overlaps in the functions of TBS and TFDA

There are concerns from a cross section of stakeholders in the private sector on the apparent conflicting overlaps in relation to the issue of regulation of food safety control between TBS and TFDA. As noted in the analysis of the law above, TFDA is responsible for regulating food safety and quality. The directorate of Food Safety in TFDA conducts laboratory testing services and market surveillance on pre-packed products. This task is likely to bring conflicting overlaps with the TBS, which is also mandated to conduct lab test for products, including food products. Although it has been argued that TFDA tests are only limited to food safety, TBS tests focus only on quality. In practice there is no fundamental difference between these tests and this overlap is bound to cause negative effects on the business environment.

The other concern is with regard to the registration of a product. Permits for registering products are issued by TFDA while certificates of quality are issued by TBS. Although these requirements are meant to serve different purposes, they both require the authorities to take the same sample to the same laboratory. It is in this respect that complaints have been raised that this procedure is unnecessary as it is duplicative.

When it comes to import and export permits, both TBS and TFDA take samples to the laboratory for testing before issuing permits. Such process could be undertaken by one of the two agencies. According to the Standards (Compulsory Batch Certification of Imports) Regulations, 2009, the importers of products covered by the compulsory Tanzania Standards shall apply for an Import Batch Certificate. If such imports fall under foods, drugs and cosmetics groups, an additional permit certifying safety and quality of such items is needed. This is issued by TFDA.

### ii. Overlaps of TBS and TFDA function in the inspection of business premises

TFDA is mandated to inspect and license business premises. It monitors warehouses and supermarkets dealing with staple crops. The same function is performed by TBS through its regular inspections as mandated by the Standard Act, 2008. As noted above, under the Standards (Tested Products) Regulations, TBS issues the Tested Product Certificate after assessing premise and collecting samples for testing based on product specifications. The Bureau is also mandated to conduct regular inspections and to determine additional fees for inspection and testing where appropriate. This procedure has been decried by business entities arguing that it causes arbitrariness and harassment. It should also be noted that Tanzania Warehouse Licensing Authority also comes in to regulate warehouses adding regulatory requirements to businesses, which are also attached with some costs of compliance including fees.

TFDA issues licenses and premise permits to manufacturers regulated under its Act. The substances to be used in the production process are checked for quality to ensure conformity to standards prescribed by the Authority. On the other hand, TBS encourages certification of products and tests the standard of a product. While TFDA registers food products, TBS conducts laboratory tests before issuance of certificate of Standards, which brings in an element of duplication.

### iii. Human and Infrastructure Capacity at TFDA and TBS

A number of stakeholder's complaints were directed at the capacity of TBS and TFDA to perform their duties properly and in timely manner. It has been observed that both physical and human facilities at these agencies are not sufficient to provide timely service to the entire business community in the country. The Confederation of Tanzania Industries (CTI), for example, observed that a local beer company attempted to reach the export market and submitted its consignment for a laboratory test in order to obtain a batch certificate before export permit is issued. The Company had to wait for over two weeks for the laboratory test results from TBS. The delay led to the expiration of the shelf life of the consignment to, and the consignment could not be sold domestically since it had already been declared as an export commodity. This led to a huge loss on the part of the beer producer who wanted to export the commodity.

There is therefore a need to explore the possibility of TBS delegating testing activities to other related agencies such as TFDA, which have the infrastructure and personnel to do this.

Another concern from the business community relating to TBS and TFDA is in respect of inspection of samples of water for human consumption. It has been noted that TFDA inspects water based on domestic standards set by TBS and yet TBS goes to the same producer to test and enforce the same standards.

Incidentally both TBS and TFDA officials know these overlaps and other challenges. It is on this ground that some efforts to resolve the issues have commenced. For example, the two agencies have signed an MoU that requires some testing and certification done by either of the agencies to be recognized by the other. This would minimize the overlaps. However, the MoU is a short-term measure and a much more comprehensive and sustainable solution and framework is required.

#### **iv. Duplicative Mandates: TBS and Sector Specific Regulators**

There are concerns that the roles and functions of TBS are undertaken by other sector specific regulatory authorities, making it difficult for the business entities to operate. Examples given in this regard concerns TBS and the Tanzania Communication Regulatory Authority (TCRA), established under the Electronic and Postal Communications Act, 2010 (EPOCA). EPOCA mandates TCRA to regulate standards of communications equipment. At the same time section 4 (1) of the Standard Act, 2009 gives Tanzania Bureau of Standards (TBS) the role to set and regulate all standards of all commodities. To a business entity operating in the communication industry, this appears to be a cause of inefficiency accompanied with significant time and financial loss. However, the fact of the matter is that the two pieces of legislation make cross-reference to each other with the specific aim of avoiding conflicts. TCRA is also legally mandated to consult other sector regulators in the course of enforcing its mandates. Institutional coordination is key in this respect in order agree on operating or guiding frameworks.

It is important to point out here that the Tanzania Communications Regulatory Authority Act, No. 12/ 2003, which established the Tanzania Communications Regulatory Authority (TCRA) provides that where there is any inconsistency between TCRA Act and sector legislation, TCRA Act shall prevail over sector law to the extent of the inconsistency. However where a sector law expressly provides that its provision will supersede or prevail that of the TCRA Act, then the TCRA Act shall not apply to the extent of the inconsistency. Where the inconsistency relates to the Fair Competition Act or the Standards Act, Section 44 provides that the TCRA Act will prevail. In this respect, an element of contradiction in the mandates is noted.

Concerns have also been raised regarding the seemingly conflicting and duplicative mandates between the Energy and Water Utilities Regulatory Authority (EWURA) and TBS. The concerns relate to monitoring of standards and quality of petroleum products and equipment in the country. This has led to EWURA and TBS signing an MoU concerning the matter.

The Energy and Water Utilities Regulatory Act, which establishes the Energy and Water Utilities Regulatory (EWURA) takes into account the likelihood of overlaps which may cause conflicting mandates with other sectors. Accordingly, section 37 of the Act provides that where there is inconsistency with sector legislation, the sector law shall prevail and the EWURA Act shall be read down to the extent of the inconsistency. This is also the case when a sector law has been passed and it expressly provides that its provision will supersede or prevail over the EWURA Act. In this case, EWURA Act shall also be read down to the extent of the inconsistency. Where the inconsistency relates to the Fair Competition Act or the Standards Act, section 38 provides that the EWURA Act shall prevail.

In a move aimed at ensuring conflicts are avoided during inspection, EWURA Act provides that EWURA, NEMC, OSHA and Fire and Rescue Units shall consult each other.. It should be noted that EWURA inspects utilities to satisfy

itself whether they are within the standards it sets. However, during inspection, EWURA verifies other institutions' certificates and it will consult other institutions if any shortfall is identified. Regulations made under the Act also have implications for doing business and require consultation. Regulation 25 of the Petroleum (Liquefied Petroleum Gas) Rules, GN 420/2012, for example, provides that in respect to inspection of LPG, EWURA shall confine itself to quality and WMA will deal with quantity issue only.

It is apparent that the drafting style of the EUWRA Act is an innovation that seeks to ensure overlaps that have an adverse (negative) effect on doing business in the country are overcome. In this respect, this Act provides a good example that should be emulated in drafting legislation for other Regulatory Agencies.

On inspection issues, TBS not only has the power to set standards but it also has the power to inspect compliance of standards it has set (Sections 4(1) (k) and 24). Similarly some sector regulatory Authorities have been empowered by their establishing Acts to monitor quality and standards of products and services. For example section 5(1) (h) of Tanzania Food and Drugs Authority Act Cap. 219 empower the TFDA to inspect standards.

The practice of making cross-reference to other laws seems not to be clearly understood by enforcers and the coordination envisaged by the laws establishing TBS and other sectors regulatory agencies is not done effectively. This leaves room for potential abuse and discretionary practice by some officials and does not augur well for an enabling business environment.

### Recommendations

- TBS, in collaboration with other regulators, should set all standards (as it is currently done). While TBS maintains its supremacy in standards and could invoke inspections under special circumstances, TBS should recognize compliance enforcement of the set standards by other regulators such as WMA, EWURA, TFDA, etc. in order to avoid overlaps. That is, TBS should set all standards and other regulators should regulate the compliance of those standards in areas where they have mandate under their respective laws to implement this recommendation requires time as other agencies build capacity parallel to that of TBS.
- Improve coordination amongst licensing agencies so as to have a unified inspections and avoid conflicting recommendations from the regulators. For effective implementation, there should be a legally accepted modality whereby the outcomes of one agency's inspection results are acknowledged and accepted by other agencies, unless for high risk cases and where further confirmation of the results is necessary.
- Use of single window in making payments: In case multiple visits are required then fees could be charged by only one agency and shared by the rest as per agreement. It is feasible in some cases that one regulator could charge on behalf of others and revenues be shared accordingly. This could be done by submitting a single invoice to the business units. The current practice, for instance in oil importation, is that EWURA, TBS and other regulators involved submitting separate invoices to the businesses thereby causing problems and time wasting.
- TBS Board to use its power granted under section 23 of the Standard Act to appoint officers of regulatory authorities as inspectors for the purpose of the Standards Act. The use of regulatory Authorities inspectors will eliminate complains from business community concerning multiple inspections.

### 3.2.5. Migration and Labor Regulations

Other area of cross-cutting regulatory issues that has raised concerns are those emanating from the immigration and labor sectors. There have been complaints from a cross-section of investors that the provisions of the Immigration Act and those of laws regulating labor and employment have overlaps which pose challenges to doing business in the country. Some highlights on the law regulating immigration and labor matters are presented below to illustrate the case.

## **Immigration Act, No.7/1995 (as amended by the Immigration (Amendment) Act No. 8/2005**

The provisions of the Immigration Act are relevant to doing business in relation to foreigners who seek work and residence permits. The Act provides for the control of immigration in the United Republic of Tanzania. It applies to Tanzania Zanzibar and Mainland Tanzania. The Act applies to Non-citizens (in relation to any category or descriptions). But these may also be exempted from all or any of the provisions of the Act by Regulations made by the Minister (See section 2). Immigration officers have been given powers to, among other things, monitor entry and exit of migrants and facilitate and manage movement of foreigners wishing to enter, stay and reside in the country. They have also been vested with powers of arresting without warrant, detaining, search, seize of any person or anything.

One of the conditions for entry and residence for foreigners intending to reside in the United Republic of Tanzania for investment, business, employment or any other legal activity is a Residence Permit (Sections 28 - 40). Accordingly, there are 3 classes of residence permits issued for any period not exceeding 3 years renewable for any period not exceeding two years.

Any person who wishes to employ or engage a non-citizen in any occupation in Tanzania should apply for a work permit to the Labor Commissioner prior to the entry. Work Permits are issued at the Labor Division of the Ministry responsible for Labor and Employment. The Division is mandated to offer the permit by the Non - Citizens (Employment Regulation) Act (2015). After obtaining a Work Permit a non-citizen is required to apply for a resident permit from the Directorate of Immigration Services.

## **Non-Citizen (Employment Regulation) Act No.1/2015**

This Act seeks to regulate employment and engagement of non-citizens in Mainland Tanzania. Its underlying objective is to establish a one Stop Center for issuance of work permits. Before the enactment of this law, different laws gave powers to different Authorities to grant work permits and this was the cause of concern for business entities. Examples of laws whose provisions overlapped were the Immigration Act no. 7 of 1995, Education Act, Tanzania Investment Act, Business and License Act and The Refugee Act. Initially Residence permits were used as work permits as there was no document called Work Permit. The Act vests powers to the Labor Commissioner to issue and cancel work permits and process exemptions for the same (Section 5). Section 6 of this Act provides for 'authorized officers'. These include labor officers, police officers, immigration officers who are for the purposes of this Act, are to exercise powers and discharge duties conferred to authorized officers in the Act. Labour Officers in collaboration with other Public Officers as the case may be, may enter and inspect any places of employment on matters related to work Permit. Under the current Act, investors' work permits is for a period of 10 years and may be extended if proved the investment is contributing to the economy and well being of Tanzanians. The criteria for assessing performance of the investment are however not clearly set.

Further to that, a number of concerns relating to the powers of authorized officers have been raised by some regulatory agencies as well as the private sector. However, views of representatives from the two offices (i.e. immigration and labor departments) indicate a considerable degree of consistency. This is contrary to some of concerns as perceived by both the regulators and business community. The main concerns are:

### **i. Duplicative Roles in Inspection of Work Permits**

As noted above, the Non - Citizens (Employment Regulation) Act empowers immigration officers, police officers and labor officers to inspect the work permits' status of the foreign workers. However, it does not stipulate any boundaries regarding the circumstances under which each one of these officers should go to inspect. As a result each institution goes to business premises to inspect at the time and day of its choice. This practice, according to stakeholders,

leads to wastage of time and disturbance to the workers and the employer. Although the Act provides that, the “Labor Officers” in collaboration with other Public Officers as the case may be, may enter and inspect any places of employment on matters related to work Permit”, it has been argued that in practice there is no coordination.

#### **Recommendation**

- Amend the law to give the routine work permit inspection mandate to only one agency (the labor officer) and whenever there is lack of personnel from the labor office to administer the inspection, the regulation should (in such circumstance) allow either immigration officers or police officers to be used for such purpose, but not both. Emergency inspection needs strengthened coordination of the three enforcers – the Police force, Immigration office and Labor office.

#### **ii. Significant increase in the fees associated with residence and work permits as a result of splitting the two applications**

The total amount of fees required to process both residence and work permits have increased from USD 2,000 to a range of USD 2500-3000 per head for two years, depending on the type of permit. This is an outcome of splitting, as both residence and work permits were previously applied and paid jointly at one window at the rate of only USD 2000. The concerns raised by stakeholders in this area include a major increase in the costs of permits, especially for businesses with a sizable number of foreign employees. It has been noted that this high permit cost is evident when compared to the rates applicable in neighboring countries such as Kenya and Rwanda, where acquiring both a residence and a work permit similar to that of class C in Tanzania costs KSHS 200,000 only (i.e. USD 1932) per person for two years and FRW 100,000 (i.e. USD 121.3) per person for 3 years, respectively.

#### **Recommendation**

- Rationalize and harmonize the Work/Residence permit fees in order to reduce the cost of doing business.

#### **iii. Conflicting geographical restrictions between work permits and residence permits**

Complaints in this area relate to the apparent restrictions contained in work and residence permits. It has been noted that while residence permits issued to foreign workers restrict their movements to pre-specified regions within the country (where the main business activity resides), work permits allow them to work in any region in Tanzania. The current arrangement implies that an employee working for a company with several branches across regions may need different residence permits to move from one to another branch of the same business.

#### **Recommendations**

- Harmonize the conditions for the two permits so as to allow their validity throughout the country.
- Introduce an E-migration system to centrally capture migration registrations.

#### **iv. The use and legitimacy of the Business Pass/Visa (temporary work permits)**

The Immigration Department issues temporary work permits to foreigners who will stay in the country for a period not exceeding three months. However, while the Labor Division holds that it recognizes the permit, there are complaints from business community that the Division does not. This has caused significant disturbances and in some cases chaos as labor officers arrested foreign workers and investors who possess these permits.

#### **Recommendation**

- Amend the legislation to remove the conflict so that the permit is legally recognized by the labor office.

#### **v. Delays in Processing Work and Residence Permits**

There is a general concern among a cross section of foreign investors (see the European Union Business Group, EUBG, 2017) that it usually takes a relatively longer period between the application of a work permit and its issuance (up to two months). The situation is even worse when it comes to the renewal of the permits when the relevant employees are still within the country. The Non-Citizens (Employment Regulations) Act does not place a ceiling on the duration it should take to issue permits from the date an application is made. It has been pointed out that the process of amending the Regulations is on-going where non-citizens will be allowed to apply for renewal of work permits 60 days before the expiry date and permit be issued within 14 days of the submission of application.

On the other hand, it is unclear to the applicants whether those who seek renewal of their permits should remain in or leave the country as they wait for response. This certainly causes great inconveniences on the part of foreign workers when they meet permit inspectors. It was also observed that under the current set-up of the law, an applicant could be issued with a work permit but denied a residence permit (by invoking the public interest criteria). Consequently, there is no guarantee for getting a residence permit even after an applicant has been issued a work permit.

#### **Recommendation**

- The legislation should be amended to clarify on the time it should take to issue permits upon submission of an application form. The amendment should also allow renewal applications to be submitted from within Tanzania and a clarification be made on the legal status of applicants whose applications for renewal are pending.

### **3.2.6 Social Security and Labor Issues**

Issues relating to Social Security Schemes and related labor have also been a concern from stakeholders in the business sector in Tanzania, especially the private sector. PMO-LYED (Social Security Division) and Social Security Regulatory Authority (SSRA) are the main units in charge of regulating social security issues in Tanzania. Employers and employees are required to be registered with the Pension Fund Scheme according to the SSRA Act, 2008 (as amended). The Act provides that it is the right of employees to choose the mandatory Scheme under which they shall be registered. At the time we started to draft this Blueprint, there were six pension Schemes operating in Tanzania. These are: LAPF; National Health Insurance Fund (NHIF); National Social Security Fund (NSSF); PPF Pension Fund; Public Service Pension Fund (PSPF); GEPP Retirement Benefits Fund. The Schemes are established by different laws with independent mandates. The social security regime is regulated by the following main legislation:

1. Social Security (Regulatory Authority) Act, 2008;
2. Social Security Regulations, 2009;
3. PPF Pensions Fund Act, 1978;
4. National Social Security Fund Act, 1997;
5. Public Service Pensions Fund Act, 1999;
6. GEPP Retirement Benefits Fund Act, 2013;
7. LAPF Pension Fund Act, 2006; and
8. National Health Insurance Act, 1999.

## Regulatory Challenges

### i. Multiplicity of Pension Schemes

It was been noted that the Social Security sector of Tanzania was multiplicity of the schemes, uncoordinated visitations inspectors, and filing remittances.

#### Recommendations

- Coordinate all Social Security Schemes under one Ministry with the exception of NHIF, which should remain under the Ministry responsible for Health.
- Review the Social Security Policies and Laws.
- Merge the Schemes to two main Funds: one for the Private Sector and another for the Public sector.
- Centralize and automate employers' registration and remittance of contribution collections.
- Harmonize deduction rates among all social security schemes (if all schemes have to exist).

Significant progress has been made in line with these recommendations. The Public Service Social Security Act, 2018 has been enacted. The new Act seeks to merge all pension funds to have only two, namely the Public Service Social Security Fund (PSSSF) and the National Social Security Fund (NSSF), to cater for the public and private sectors

### ii. Duplication of Registration Requirements: SSRA and BRELA and Tanzania Employment Services Agency (TAESA) and BRELA

By the time of drafting the Blueprint, it was noted that the Data systems of the two agencies are not synchronized/ do not interface causing duplications to businessmen. The SSRA requirements needed for registering a company/ employer are almost the same as those of BRELA. Since BRELA, by construction, has better access to company's information, and given that all companies must be registered by BRELA, there is a possibility for SSRA to obtain relevant information from the BRELA database thereby reducing costs to the private sector.

#### Recommendations

- Synchronize/allow interface between the data systems of the two agencies (SSRA and BRELA) to reduce duplications in documentation requirements
- Harmonize the procedure so that company registration is done by a single agency and the Labor Division is provided with relevant information for regulation purposes.

By the time of the Blueprint gets approved, important steps have been taken in line with these recommendations. The Government has established the BRELA Online Business Name Registration System (OBRS), which allows registration of Business Names using computer or mobile phones or tablets connected to the Internet. The system allows integration of databases with other regulators, e.g. TRA and NIDA.

### iii. Exclusion of Informal Sector in Schemes

The key challenge faced by the SSRA in the course of executing its functions is identification of the business persons given the size of informal sector of the country, which currently has a labor force of more than 20 million people.

SSRA must create a conducive environment to enable those employed in the informal sector to join mandatory Schemes. This can be done by, among other ways, amending the law and establishing a centralized payment system that will take care of the needs of this sector. For example, registration cards and contributions remittances (statements) from Social Security Funds could be used during renewing of business licenses.

#### **Recommendations**

- Create a conducive environment to encourage employees in the informal sector to join the Schemes.
- Amend Sect 31 of SSRA Act, 2008, Cap. 135, R.E. 2015 to allow Informal Sector into Schemes.
- Establish a centralized payments system to engage informal sector groups.

#### **iv. Labor and Employment Issues**

Although concerted efforts have been made to enable the labor and employment regulatory regime of Tanzania comply with international standards such as those of the International Labor Organization (ILO), concerns have been raised by the private sector in some areas. A good example is the requirement that employers pay employees who have been nominated to represent others in the Workers Unions. Issues relating to payment of workers' insurance and social security have also been raised. The private sector views the Workers Compensation Fund (WCF) as a mechanism for providing insurance cover for work related accidents for government and private sector employees. The concern here is that some of the compulsory contributory Schemes have similar packages.

#### **Recommendation**

- Amend the relevant laws to put in place a system which aligns WCF with other workers' contributions.

#### **v. Private Employment Agencies**

Agencies dealing with employment services have also raised concerns on the multiple charges they face when it comes to registration of companies. While they are required to obtain BRELA business licenses they are also supposed to obtain licenses from the Labor Division. To this group, this procedure is duplicative and costly.

#### **Recommendation**

- Harmonize the procedure. BRELA should issue the licenses and the Labor Division should then identify the registered agencies at no charge.

### **3.2.7. Occupational Safety and Health Agency (OSHA)**

Health and safety of all workers in any country are key factors for their well being and are necessary for improving productivity. It is therefore the responsibility of the government, employers and workers to ensure that all workspaces are safe and in healthy state. To ensure that this happens, governments puts in place regulations to ensure that workers are protected from well-known traditional work hazards as well as new hazards associated with modern technology, nano-technology, and manufactured nano-materials, biological risks and biotechnology, chemical risks, new organization of work and psychological stress. In Tanzania, the regulatory role in respect of these hazards is the Occupational Health and Safety Agency (OSHA), which is established by the Occupational Health and Safety Act Cap. 297. A brief highlight of some of the provisions of this Act helps to provide a useful background to the discussion that follows.

## **Occupational Health and Safety Act, Cap. 297**

This Act mandates OSHA with the task of overseeing and improving occupational health and safety practices for the well being of workers at factories and other work places in order to reduce accidents and occupational diseases. It covers workers in all sectors, including those in the public sector and in local government authorities. It is in this regard that the functions of OSHA have a direct bearing on doing business in the country.

Sections 4 to 14 of the Act specify the powers and functions of OSHA. These are overseen by the Chief Inspector and other officials appointed in accordance with the provisions of the Act. The functions include:

- Keeping record of publications on health and safety standards which are incorporated in the Regulations, Rules or Orders,
- Keeping record of amendments or substitution of any health and safety standard so published; and
- Inspecting health and safety in workplaces.

The Chief Inspector may delegate any power conferred upon him by the Act to any officer or authorize any such officer to perform any duty assigned to him by the Act. The Chief inspector may also designate any person as an inspector to perform, subject to the control and directions of the Chief Inspector, any or all of the functions assigned to an inspector by the Act.

Due to the nature of its activities, the functions of OSHA inevitably overlap with those of other Regulatory Agencies especially since health and welfare issues transcend a number of sectors, including those dealing with construction, commerce, agriculture, hazardous materials and chemicals. Overlaps with authorities such as TBS, NEMC, TPRI, Fire and Rescue, AEA and TFDA are inevitable.

Also, the ability to effectively perform its functions throughout the entire country is limited by inadequate infrastructure facilities and insufficient human and financial resources. It is in this context therefore that section 105 of the Act makes a provision for the Minister to delegate the functions of OSHA to any officer or LGA.

A number of Regulations have been promulgated under the law establishing OSHA. These include the Occupational Safety and Health Services (Vehicles Under Pressure) Regulations, GN 274/2016; Occupational Safety and Health (Notification of Occupational Diseases, Injuries and Dangerous Occurrences) Rules, GN 280/2016 and the Occupational Safety and Health (General Administrative) Rules GN 149/2015.

Legislative provisions and Regulations in other sectors/Ministries also have made reference to OSHA directly or indirectly. These include the following:

### **The Tropical Pesticides Research Institute (TPRI) Act**

The Tropical Pesticides Research Institute (TPRI) established under the above Act are overseen by the Ministry of responsible for agriculture. The Act empowers TPRI to:

- Regulate/control all pesticides related activities such as registration, importation, formulation, distribution / transportation, labeling, packaging, safe handling, use storage and disposal;
- Conduct pesticides residues analysis in foods, animal feed and in the environment; and
- Certify pest controllers, pesticide retailers, fumigators and formulators.

### **The Atomic Energy Act, 2003**

The Atomic Energy Act is administered by the Ministry of Education, Science and Technology. The Act makes provision for the control of radioactive materials, radiation devices and for other matters related to the protection of persons from harm resulting from ionizing radiation. It empowers the Radiation Commission to:

- Advise or provide information to the government on the proper use of ionizing radiation in the light of current available knowledge, its possible hazardous effects and methods necessary for enhancing protection of the public;
- Control the importation, movement and use of radiation plants, installations and materials;
- Consider applications for and grant licenses to persons intending to import or use atomic or other radioactive plants, installations or materials; and
- Maintain a register or registers of importers, users, and operators of nuclear or other radioactive plants, installations, apparatuses or other radioactive materials.

### **Mining Act**

Regulations that have a bearing on OSHA's functions that have been made under the Mining Act of 1998 are administered by the Ministry of Energy and Mineral Resources to control and regulate all OSHA activities in the mining sector.

### **Fire and Rescue Services Act**

The Fire and Rescue Services Act is administered by the Ministry of Home Affairs. The Act provides for, among other things, management of fire accidents and control, rescue services and disaster prevention. These have a direct bearing on the functions performed by OSHA.

### **Pharmaceuticals and Poisons Act**

Pharmaceuticals and Poisons Act is under the Ministry of Health. This Act regulates and controls the sell, manufacturing and importation of pharmaceutical products. It empowers the Board to oversee activities that also fall under OSHA's mandate. These include: -

- Control of registration, manufacturing; importation, exportation, distribution, transport, labeling, packaging, storage, sale and use of all pharmaceuticals and pharmaceutical products
- Prohibiting, whenever required, the misuse of products containing poisons listed in Section 33 of the Act.
- Registering pharmacists.

### **Industrial and Consumer Chemicals (Management and Control) Act 2003**

This Act provides for the management and control of the production, importation, transportation exportation, storage, dealing and disposal of chemicals and for matters connected therewith. It is administered by the Government Chemist Laboratory Agency.

As noted above, due to the diversity of areas that affect health and safety in work-places and the fact that the area, which OSHA is supposed to cover is huge, other authorities perform functions that are under the charge of OSHA as authorized by the law establishing them. For instance, health and safety issues in the mining sector are currently attended by inspectors from the Ministry responsible for minerals.

## Regulatory Issues

### i. Overlaps: OSHA and other Agencies

As shown in the above analysis while some aspects regulated by OSHA are unique, there are several others which are similar to what other regulatory agencies regulate. A case in point is premise inspections. In the dairy sub-sector, FDA, TDB, TBS, inspect to ensure that buildings / premises / processing are maintained in an environment that is safe for processing food. While there is coordination between FIRE, TFDA and LGA/TDB, OSHA conducts inspections separately from these others organs. In order to minimize the burden to the private sector, the overlaps between mandates of institutions should be rationalized with the view of minimizing them.

#### Recommendations:

- Harmonization and consolidation of OSHA inspection and other regulatory agencies should be explored. This would include MoU to allow the report of the lead regulatory agency be recognized and accepted by the rest of the related regulatory agencies.
- The respective agencies should ensure effective coordination of inspections in areas, which cannot be consolidated.

### ii. OSHA Fees and Charges

One of the areas of major misgivings among the private sector stakeholders concerns the fees and charges for services offered by OSHA. The claim is that the fees are on the high side relative to the scale and nature of the respective businesses. It is for instance noted that OSHA issues certificates of Electrical Safety Inspection, which is associated with charges for services such as Polarity test per point – 50,000/=; Continuity test per point – 50,000/=; Earth Resistance test per point – 150,000/=; Insulation Test per point – 200,000/=; Electromagnetic field test 300,000/=. The thrust of the complaint is that of high amount of fees and the cost in terms of time

#### Recommendations

- OSHA should revise the charges and fees in collaboration with key stakeholders to reflect the operational costs and regional patterns and trends.
- Some of the compliance certificates issued, e.g. Certificate of Electrical Safety Inspection, should be consolidated with others in the compliance license.

### iii. Processes for Obtaining OSHA Permits and Certificates

Stakeholders consider the process of obtaining OSHA certificates, permits, and registrations to be unnecessarily lengthy. It has been observed for instance, that in order to obtain a certificate of registration from OSHA, the investor will be engaged in over four procedures; five procedures to obtain a workplace inspection Report/Certificate; five procedures to obtain Medical examination reports; five procedures to obtain first aid certificates for employees; five procedures to obtain the OSHA training Certificate; and two procedures to obtain a Certificate of Compliance which is required by the TIC. It is argued, from the private sector perspective that it takes between 62 - 225 days to complete all these steps/procedures.

#### Recommendation

- The use of ICT could simplify the procedures. It is recommended that application, submission and certification be done online only.

### 3.2.8. Fire and Rescue Force (FRF)

Fire prevention and protection play a vital role in reducing the incidence of fire and associated deaths and injuries, both in domestic and commercial premises. Accordingly, Tanzania has a Fire and Rescue Force, which was established by the Fire and Rescue Act CAP 427 to oversee matters related to fire prevention and protection. The Act is operationalized via the Fire and Rescue Force (Safety Inspections and Certificates) Amendment Regulations of 2012/2014, which give the FRF mandates to prevent and control fire risks and ensure the safety of households, enterprises and the general public. As noted above in the discussion relating to OSHA, there are considerable overlaps between OSHA and FRF.

- **FRF Delivery Capacity, Regulatory Services, Charges and Fees.**

The FRF Regulations (2012/2014) raised significantly the annual contributions, inspection fees and training costs paid to FRF, allegedly without any consultation with the business community. The increase in costs reduces the competitiveness of the private sector and profitability of enterprises. Moreover, there are concerns that the fees are charged even before FRF produce the inspection Report.

Besides the increase in fees, FRF is characterized by several weaknesses, which make it necessary for most fire rescue operations to be undertaken by the private sector. The main weaknesses are delays in responding to disasters and fires; inadequate fire-fighting equipment and technology; inadequate services partly due to bureaucracy, and poor communication between FRF and enterprises; insufficient human resources; and multiplicity of fees charged by other regulators.

#### Recommendations

- Consider revising the level of inspection fees including introduction of performance-based charges in consultation with the stakeholders.
- Build the capacity of FRF to enable it to respond to incidences of fire and other rescue missions in good time.
- Amend the law to provide for joint inspections between FRF and OSHA on fire related matters.

### 3.2.9. National Environment Management Council (NEMC)

The Environment Management Act (EMA) Cap. 191 establishes the National Environment Management Council (NEMC). EMA provides a legal and institutional framework for sustainable management of the environment, prevention and control of pollution, waste management, environmental quality standards, public participation, and enforcement of environmental quality regulations. The law gives power to NEMC to undertake reviews and monitoring of environmental impacts assessments, research, facilitation of public participation in environmental decision-making, raising environmental awareness and collection and disseminate of environmental information.

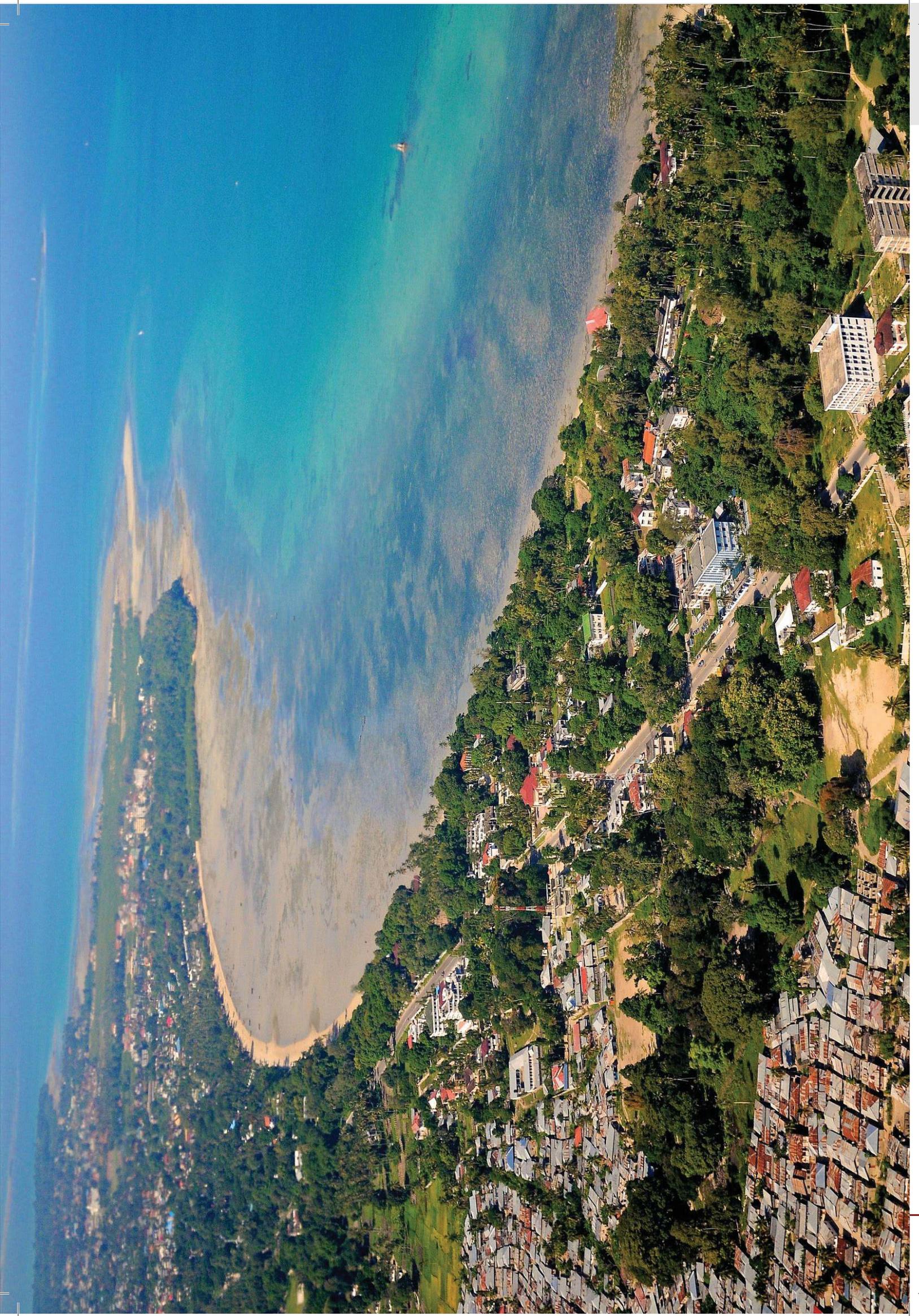
#### Regulatory Issues

EMA's requirements related to Environmental Impact Assessment (EIA) provide for procedures to be complied with by businesses before they commence operations. Business will be required to finance the EIA, which is reviewed by NEMC. Prior to the review, NEMC and key stakeholders from other sectors (depending on the type of project) may visit the proposed site for verification of issues raised during EIA, and confirmation of stakeholder consultation at the proponent's costs (transport arrangements to be done by the Developer). The following are the issues which negatively affect the private sector in relation to the EIA process in general:

- Sector specific environment requirements overlap with NEMC requirements. Even though EMA relates with other sector laws, in operation NEMC does not recognize approvals issued by sector regulatory agencies. For instance, the Environmental Protection Plan (EPP) approved by the Commissioner for Mining is not recognized

by NEMC. Furthermore, the EIA process is not clearly sequenced among other sectoral regulations.

- Even though the procedures for carrying out environmental impact assessment and environmental audit clearly set the timeframe, the practice is characterized by excessive delays in processing EIA certificates; and
- Unjustifiably high fees charged for EIA, which are expressed as percentage of project investment costs. The fines are also high.



### 3.2.10. Land and Human Settlement

Land is one of the most important cross cutting factors in life. It is a crucial aspect of the national economy as well as for social life. Due to its importance, there arises the need for it to be managed and regulated effectively. Otherwise, it is one of the most dangerous factors of destruction to both the economy and life in general (human and livestock) if it is not well managed and regulated.

Due to its cross cutting nature, land is governed by several laws but the main laws are the Land Act 1999, Cap. 113 and the Village Land Act, Cap. 114. Other sector specific legislative enactments regulating agriculture, tourism and nature (flora and fauna), construction (buildings, roads, etc.), mining, human settlement, etc all have a direct bearing on land governance and regulation at the national and local levels.

The multiplicity of laws governing land and the activities related thereto has been a concern for many businesses. This has sometimes resulted in confusion and duplication, thus causing resource wastage (time and money). For example (i) Annual Land Rent vs. Annual Mining Rights fee in some areas; (ii) Environment Management Act vs. Land Act; (iii) Tanroads Act vs. Land Act; (iv) Company Act vs. Land Act; (v) Planning Laws at the LGA level.

The challenges can be classified into four broad categories. Those related to land rights, right of occupancy, readily available land for businesses and investment, expansion of town to rural areas and duplication of land rent.

- **Land Tenure**

A cross section of stakeholders view the country's land ownership regime as discriminatory as non-citizens are not allowed to own land by law except through the TIC. They have argued, using examples of other jurisdictions that this state of affairs deprives the country of economic and social benefits.

#### **Recommendation**

- There is a need for the government to engage the private sector to re-iterate the spirit, and the policy and legislative framework behind the land law reforms that led to the present land tenure system.

#### **i. Availability of land for businesses and investment**

There is a perception that when investors want land for investment, they are required to identify the land by themselves and go through all processes to acquire such land at the LGA level and national level depending on the size of the land. According to the business community, this process is cumbersome, resource consuming and sometimes frustrating.

It was noted that the current national initiatives require every region to set aside some hectares of land solely for the purpose mentioned above, that is Special Economic Zones. Although not all regions have done so, steps taken by some regions should be applauded. On the other hand, through its five years plans as well as yearly plans, MITI is requesting funds for the establishment of "industrial parks" in which basic investment infrastructures can be built for the purpose of facilitating investments in the country. Stakeholders noted that this initiative also needs to be supported by the Government.

## Recommendations

From the business and investment viewpoint, any investor would be attracted to invest in a country where there is available land with basic infrastructure such as water, energy and functional roads (inlets and outlets). It is therefore recommended that:

- Land Bank(s) as well as zonal investable land, with basic infrastructure be established under TIC or EPZA, LGA land for SMEs/Informal Sector or any other organ which the Government will deem fit. This needs close coordination between MDAs responsible for land issues including the Ministries of Lands, LGAs, Natural Resources and the AG;
- MITI be supported financially by the Government in establishing “Industrial Parks”. **Fees that go with the expansion of town to rural areas**

There is an observation by some stakeholders, particularly those in the rural areas close to the cities regarding an increase in land rent. Cities or municipalities are expanding to the areas which are used for agricultural production whereby there is no land rent being paid by farmers and if there is any rent charged it is less than that charged in the cities.

As the cities or municipalities expand, those farms are being officially converted into habitable plots whereby the applicable land rent is that of the city plots, which is normally higher than the previous one. This has become a great concern to many stakeholders, especially those who are affected by the increase in land charges.

## Recommendations

- The Government should give proper notice, with sufficient time, to those who are to be affected before the exercise is conducted. The government should also undertake awareness raising activities before conducting the exercise.

### ii. Double annual charge of land in mining areas

There is general concern on the part of investors in the mining sector regarding annual rents. Investors in the Mining Sector are required by Land regulations/ Ministry of Lands and Human Settlement to pay annual land rent. At the same time, by mining regulations, they are compelled to pay annual rent to the Ministry of Energy and Minerals. This is perceived by investors to be duplicative, making investment cost unnecessarily high.

Apart from this financial issue, enforcement of compliance is another aspect that investors have complained about. Officials from both sectors conduct site inspections to ensure compliance with regulations on payment of annual rent. To them, this is an inefficient way of carrying out their duties and it costs the investors time and money.

In summary, there are two main issues involved here. The first one is the issue of Land Right which is being overseen by the Ministry of Lands and Human Settlement on the one hand and Mineral Right issue under the Ministries of Energy and Minerals on the other.

## Recommendations

- Harmonize the two annual rents by amending the relevant laws.
- Institute a coordination mechanism between the three ministries, that is, the Ministries of Lands and Human Settlement, Energy and Minerals such that they can conduct inspection together.

### 3.2.11. Tax Laws and Tax Administration

The tax reforms so far carried in Tanzania have been commendable in terms of design. However, frequent amendments initiated for different and at times conflicting motives (e.g. revenue enhancement against investment and growth motives, and at times by interest groups) have introduced substantial weaknesses in tax laws and tax administration. These have led to inconsistency in policy intent, application and interpretation. Following are some of areas of concern:

#### i. Tax relief for promotion of domestic industries

There have been efforts to reduce or raise tax rates in order to promote some domestic industries. For instance, the raw material for making animal feed such as sardines, cow bones, cow blood, and maize are exempted from VAT. However, cotton, sunflower, and soya meals (mashudu) which are also raw materials for animal feed production are subject to VAT. Nevertheless, both sets of raw materials have strong backward linkages to agriculture and part of the agro-process, which is one of the national priority sectors for industrialization. In addition, small-scale domestic processors do not have input VAT because they buy from small-scale farmers, who are VAT registered. This tends to reduce their competitive advantages in relation to those which procured from VAT firms.

#### Recommendation

- TRA should rationalize VAT treatment for raw materials with a view to promoting domestic industries and enhanced industrial inter-linkage and value addition.

#### ii. Application of Indicative Prices for Imports

The application of indicative prices for imports has been a bone of contention among stakeholders. It is clear that, in order to ensure effective tax administration, indicative import prices need to be issued in order to enhance predictability of the amount of taxes the importers pay and the revenue accruing to the Government. One of the challenges however is the rigidity of the indicative prices, which makes them fail to reflect price trends in the world markets. For instance, importers of flat rolled products of iron (H.S. Code 7208) have continued to be subject to indicative price of USD 800/ton even when the price in the world market ranged between USD 320-420/ton. Before domestic production of iron picks up, imported iron will continue to be one of the key inputs for the industrialization process and growth of the construction sector in Tanzania. Accordingly, careful application of import policies is imperative.

#### Recommendation

- TRA should find flexible, realistic and effective approach to determining indicative prices in order to arrive at a dutiable value, which enhances competitiveness among domestic industries.

### 3.2.12. One-Spot-Service Centers for Investment and Trade Facilitation

One of the concerns from the private sectors is the costs of moving from one regulatory agency to another. Attempts at addressing this concern include establishment of one-stop service centers and/or single-window payment systems. The Tanzania Investment Center (TIC) and Export Processing Zone Authority (EPZA) are the two agencies, which operates as one-stop-center for investment and trade facilitation.

The Tanzania Investment Act, 1997 (No.26 of 1997) establishes and give power to TIC to create and maintain a positive climate for private sector investment; stimulating local and foreign investments; facilitating foreign and local investors; stimulating and supporting the growth of entrepreneurship and SMEs. TIC is also responsible for providing and disseminating up-to-date information on investment opportunities and incentives available to investors, and monitoring business environment and growth of Foreign Direct Investment (FDI) in the country.

The TIC model is that of ‘One-Stop-Shop’ investment facilitator assisting investors to obtain all permits, licenses and visas as well as land derivative rights. One-Stop-Shop assists investors to reduce administrative and regulatory hurdles. Government ministries/agencies represented under the TIC one-stop-center are: The Business Registration and Licensing Agency (BRELA); the Ministry of Industry, Trade and Investment (MITI); the Ministry of Lands; the Ministry of Labour; the Tanzania Bureau of Standards; Immigration Services; the Tanzania Revenue Authority; the National Environment Management Council; the Tanzania Food and Drugs Authority; and the Architects and Quantity Surveyors Registration Board.

The Export Processing Zones Act 2002 (as amended by the Export Processing Zones (Amendments) Act, 2006 and the Economic Zones Laws (Miscellaneous Amendments) Act, 2011) (the EPZ Act) give powers to EPZA to serve as One Stop Service Centre for all prospective and existing investors. The functions of EPZA include the development of EPZ and SEZ infrastructure and offer a wide range of services, including assistance to investors in accessing land, licensing, material sourcing and taxation.

Another business enabling environment related to One-Stop-Service Centre is single-window payment systems, which require business regulatory agencies to coordinate their activities such that businesses do not have to make multiple payments/transactions. For instance, the Tanzania Revenue Authority (TRA) launched the Tanzania Customs Integrated System (TANCIS) since 2014 as the first single payment window in the country. The Government has also introduced an electronic Single Window System (eSWS) for payments to regulatory agencies at the Port of Dar es Salaam. The implementation of eSWS is planned in three phases. Phase 1 is aimed to enhance electronic exchange of data between TRA and TPA. Phase 2 will aim at enabling assessment and collection of wharfage fee through the TANCIS system. Phase 3 will implement a single window electronic system integrating more agencies present at the Port. The results of these initiatives include improvement in the business environment and enhanced collection of government revenues.

### **The question of Coverage**

While facilitation of business through one-stop-service centers has proved to be effective, the TIC and EPZA coverage is limited by design. Investors in EPZA are required to export a minimum 80% of the production and the remaining 20% can be sold in the local market. SEZ requires a minimum capital investment of \$500,000 for foreign investors, and for local investor the minimum capital requirement is \$100,000. TIC is designed to serve only a small group of business community satisfying the TIC’s customers’ eligibility criteria. These include foreign investors whose capital exceeds USD 500,000 and domestic investors whose business capital is larger than USD 100,000. On the other hand, the center is actively operating only in Dar es Salaam; and consequently serves limited to few investors. Furthermore, it is important to note that for now the electronic Single Window System (eSWS) is targeting only the Dar es Salaam port.

### **Recommendations**

- Introduce and roll-out ICT –based one-stop-service centers and single-window payment systems to business falling outside the purview of the existing one-stop-service centers and single-window payment systems.



### 3.3. Sector Specific Regulatory Issues

#### 3.3.1. Tourism Sector

Tourism is an important sector to the economy of Tanzania, contributing about 14% the country's Gross Domestic Product (GDP). Each year, over one million tourist from all over the world visit Tanzania and the number is increasing overtime. In 2015, Tanzania received US dollars 1.9 billion as revenues from international tourist visits.

The tourism sector in Tanzania is based on natural attractions such as topography (e.g. mountains), beaches, and wildlife. As for the latter, more than 25% of the country's total area is allocated for National Parks and protected areas. There are 16 National Parks, 28 Game Reserves, 44 Game controlled areas, 1 conservation area and 2 Marine Parks in the country. While Tanzania has outstandingly attractive sites and a large potential for further sector growth, there is concern that tourism is over-regulated with the presence of duplicative and multiple fees, levies, taxes and charges. This regulatory regime is obviously less friendly that desired and, from the perspective of the private sector stakeholders, limits the potential for business growth in the Tourism sector.

This section covers challenges related to operating a business in Tanzania's tourism sector. The presentation highlights the main challenges affecting the sector in general and focuses on specific sub-sectors, namely tour operations, hotels, wildlife, hunting and infrastructure.

#### Laws and Regulations in Tourism Sector

The Tourism Act, 2008 and Wildlife Conservation Act, 2009 guide activities related to the sector in Tanzania with the latter focusing on management of wildlife areas. The following are the laws and regulations which govern the tourism activities in Tanzania:

- i. The Tourism Act, 2008
- ii. The Tourism (Tourism Development Levy) Regulations, 2012, (published under GN. No.352 dated 1 October 2013);
- iii. The Tourism (Fees and Charges) Regulations, 2009, (published under GN No.228 dated 29 June 2009);
- iv. The Tourism Operator (Registration and Licensing) Regulation, 2009 (published under GN No.229 dated 29 June 2009);
- v. The Tourism (Tour Guides) Regulations, 2009 (published under GN No. 230 dated 29 June 2009); and
- vi. The Tourism (Accommodation) Regulations, 2009 (published under GN No.231 dated 29 June 2009).
- vii. Wildlife Conservation Act, 2009
- viii. Wildlife Conservation (Capture of Animals) Regulations, GN 244/2010
- ix. Wildlife Conservation (Wildlife Fencing, Breeding Sites, Orphanage Centers and Sanctuaries) Regulations, GN 379/2013
- x. Wildlife Conservation (Dealers in Trophies) Regulations, GN 230/2010
- xi. Wildlife Conservation (Tourist Hunting) Regulations, GN 414/2015
- xii. Forest Regulations, GN 153/2004
- xiii. Forest (Amendment) Regulations, GN 324/2012

## General Challenges Facing Tourism

### Administration of Tanzania Tourism Licensing Board (TTLB)

Section 21 of the Tourism Act requires all persons owning and conducting or operating tourism facilities to obtain a TTLB License issued by the Board of Tourism. Under the law, the Director of Tourism is empowered to regulate registration of tourism activities and facilities while the Board of Tourism issues TTLB licenses. The TTLB license was introduced as a document or permit to own foreign exchange during the pre-liberalization era. The aim was to permit operators in the tourism sector to be in possession of foreign currency to enable them cater for international tourists. According to stakeholders in the private sector, the license has outlived its purpose and its continuation is mainly for revenue collection purposes. They also point out that it is not clear why the license is charged in foreign currency.

Other complaints relating to the TTLB license are connected with the amount charged. Stakeholders are of the view that the amount is unjustified as the TTLB license is required for all separate annexes/extensions and not charged to the company as stipulated in the Act. The complication of the procedure one has to go through to obtain the license is also an issue on the part of the private sector.

Stakeholders in the tourism sector have also complained about the application for the TTLB license which requires too many and yet duplicate procedures. Companies are required to submit copies of certificate of incorporation, memorandum and articles of association and in addition evidence of holding a license from BRELA. According to them, such evidence is already provided in the certificate of incorporation. Furthermore, they are required to submit business plans. This appears to be another unnecessary documentation requirement. When it comes to the renewal of the license there are concerns that some processes are repetitive as most of the information required is standard and already available in the files held by other regulatory authorities.

The duration it takes from submitting the application form to receiving the TTLB license is another area of complaint from stakeholders. Private sector stakeholders lament that they have in some cases waited for more than six months before receiving their TTLB licenses. In other cases, they have been required to apply for TTLB license for the coming year without having received the same for the current year. In such cases, they have been required to provide only payment receipts, which to them is equivalent to the license. As a result of this, the stakeholders face challenges when processing clearance and work permits from TIC when they intend to employ foreigners. Operators in the sector are of the view that cumbersome renewal processes including documentation requirements are responsible for the delays.

TTLB Licensing per activity and charging license per each hotel is also adding to the cost of operating in the sector. Currently every tourism activity - tours, hotel, mountain climbing, etc. – is charged a TTLB license separately even when they are operated under one company. That is if a company runs a tour operating business, hotel, mountain climbing etc. it will be required to apply for three TTLB licenses. Likewise, if a company operates three hotels under one registered Company it must apply for three TTLB licenses. However, a Tour Operator with 200 vehicles registered under one Company is charged one TTLB license. These contradictions and inconsistencies are unique to the tourism business.

### Recommendations

- i. Charge TTLB licenses in domestic currency.
- ii. Integrate BRELA and TTLB data systems to overcome duplication in registration and sector licensing.
- iii. Streamline the processes and improve the document-handling capacity of the TTLB Licensing Unit in order to reduce delays in issuing license.
- iv. Develop a new and automated online application process and introduce mobile payments system to reduce time and cost of compliance.
- v. Address the inconsistency in TTLB applications, including the removal of the requirement of a license for each component/service/extension of the company.

**i. Contradictions in Registration Requirements between the Tourism Division in MNRT and TIC**

There are inherent contradictions in the registration requirements by TIC and the Tourism Division in MNRT. While foreign companies are required to be registered and certified by TIC, according to the TIC Act, the TIC would not issue the certificate of incentive unless a business has a license from the sector regulator – TTLB license in this case. At the same time, apart from other sector specific requirements, e.g. having a fleet of 10 vehicles for tour operation, the company needs to provide proof that it has been registered and certified by the TIC for it to obtain the TTLB license. Similar contradictions are also observed in other tourism sub-sectors, e.g. in registering professional hunters.

**Recommendation**

- Set a general principle on sequencing the certification requirements by the Tourism Division in MNRT and the TIC.

**ii. Tourism Development Levy (TDL)**

The Tourism Act, 2008 and Tourism (Development Levy) Regulations of 2013 provide that funds from tourism levy be used to finance implementation of activities relating to tourism development, including: (a) tourism product development, quality control of tourism facilities and services; (b) marketing promotion of tourism destinations; (c) capacity building; (d) tourism research; and (e) related activities. The concern is that the funds are not used properly for sector development. Thus, despite the TDL, the roads in wildlife areas are dilapidated, adding to the cost of operating tour companies in terms of time and maintenance of tour vehicles. Poor roads also limit the ability of tourists to visit some areas. Stakeholders are of the view that such infrastructural barriers could be reduced if more funds raised through tourism development levy are earmarked to development of tourism infrastructure.

**Recommendation**

- Sensitize stakeholders on the Regulations relating to the utilization of funds from Tourism Development Levy.
- Utilize Tourism Development Levy in prioritized areas as stipulated in the Tourism Act for the development and sustainability of the sector.

**iii. Segmentation of Tourism Market due to Varied LGA Payment Requirements**

Any business operations including tour companies are subjected to the by-laws of LGAs where they operate. Operators in tourism sector are supposed to have LGA specific registration regardless of where the company was initially registered. Apart from Business License requirements, there are other LGAs' specific charges as guided by their by-laws, including service levies and municipal fees. Beyond that, there are other more LGA specific charges. Private sector views this practice as segmentation of the tourism market based on the varied LGA requirements to the business. They also opine that the practice entails multiple charges and inflates operational costs. Attempts to ensure uniformity of what LGA charges to firms in this sector could minimize the said market segmentation.

**Recommendation**

- Review the law providing for the enactment of LGA by-laws to standardize the payment and fulfilment of regulatory requirements.

## Sub-Sector Specific Challenges

While there are standard requirements which any business operating in the tourism sector must meet, operators in the sector are also obliged to meet additional specific sub-sector requirements, as discussed hereunder.

### Tour Operators

#### i. Entry Requirement for Tour Operators

A cross section of stakeholders noted that high entry charges are a barrier to doing business in the tourism sector. They stated that a local operator, apart from paying USD 2,000 for the TTLB license, is required to have a minimum of 5 vehicles not more than 5 years old. A foreign operator, on the other hand, is required to pay USD 5,000 for the TTLB License and have minimum of 10 vehicles not more than 10 years old. Also, each company's branch of tour operator is required to pay for the TTLB license as an individual entity. Besides, there are other charges a typical tour company would face in business operations. Such requirements are viewed in the sector as high entry barrier and is are constraining factors for business expansion. They noted that in Kenya, in contrast, to be in the tourism business one needs to pay for a tourism business license at a cost of USD 100 and have at least one vehicle.

The relatively large differences between Tanzania and Kenya, they noted, is partly due to the different approaches to tourism the two countries have adopted. Tanzania has "high value- high price positioning" while Kenya has "low value-low price positioning". They stated that, however, a motive to maintain "high value-high price position" should not halt businesses operating in the sector to the extent of considering exit as an optimal option. Box 3.1 below illustrates their concerns, showing the key payment requirements to the tour operator in Tanzania.

#### Box 3.1. A case of Tour operator in Tanzania:

Tour operator in Tanzania needs the following to be able to operate a business:

##### Sector-specific requirement

- Certificate of registration; business license (up to 46,000 TSH one-time fee)
- Tanzania Tourism Licensing Board (TTLB) License (USD 2000 locals and USD 5000 foreigners paid annually)
- Camping and climbing mountains permit
- Municipal service
- Work permit

##### General Compliance requirement (across all businesses)

- VAT
- Corporate and withholding tax
- Skills development Levy (SDL) where there is a feeling of no direct benefits to the operators
- National Social Security Fund

#### Recommendation

- Review entry requirements to match to secure competitiveness in the region.

## ii. Requirements for Motor Vehicle Stickers

Each year, tour operators are required to get eight stickers for each vehicle. These are three: Tanzania Revenue Authority (TRA) related (Road License, corporate tax, vehicle registration), TTLB related sticker, Road safety sticker, fire department sticker, SUMATRA sticker and Insurance sticker. Tour operators have a feeling that a corporate tax sticker has no direct relationship to licensing in general. They also feel that the total number of required stickers should be reduced to four: Insurance; SUMATRA; TTLB and Road License.

### Recommendations

- Streamline the procedures and consolidate the affiliated vehicle regulation requirements
- Remove the requirement for a Corporate tax sticker

## iii. High Fees for Aviation and Frequency Radio Licenses

The charges for aviation and radio frequency are also a bone of contention. Tour companies complain that they are required to have and annually renew Frequency radio license, which is issued by TCRA under Tanzania Communication Regulatory Authority Act, 2003. They pay the following fees: USD75 per frequency for Aviation; USD 500 per frequency for aircraft operators and a minimum of 2 radios is required. According to them, these fees are too high compared to those charged in the region..

### Recommendations

- Review the radio fee to mirror the average in the region as a way of reducing cost burden to businesses and enhance competitiveness
- Consolidate aviation fee into annual registration of aircraft as the radios are compulsory

## iv. Payment terms for Base Station License

TCRA, guided by Tanzania Communication Regulatory Authority Act, 2003, issues Base Station License. Payments include USD 80 per station for VHF Base station; and USD 120 for HF base station. Currently, the license is paid per station and not for the frequency. The business community feels that duplication of costs is involved here.

### Recommendation

- Payment of Base Station License should be per frequency and not per station to remove duplications in payments.

## v. Management of Park Fee

TAWA, TANAPA, NCAA and MPRU charge park fees in accordance with the Non - Consumptive Wildlife Utilization Regulations of 2016. There are concerns about appropriateness of the fee. Multiple and double entry fees are a problem as they reduce revenue for villages and private sector operating outside the parks as it increases expense to the visitors. Accordingly, this reduces the incentive for villages surrounding the parks to take part in conservation activities. Fees are ALSO increased too frequently without consultation with stakeholders in the sub-sector, leading to uncertainty in the business.

### Recommendations

- Re-introduce the multiple entry pass and institutions should monitor entries more closely.
- Ensure that fees are predictable to the businesses by Park authorities preparing Five Year Business Plans. Also, make consultation with stakeholders a routine practice before making major changes in fees.

## Hotel

- **Regulatory Payments and Uncoordinated Inspections**

According to stakeholders, hotel operators in the country are subjected to at least 55 payments related to taxes, licenses, fees and charges. Some of these are tourism sector-specific. Others are general and are found across all the sectors. In general, they pose challenges to the development of the hotel industry.

Major concerns relate to opening hotels where several licenses are required, these include: (i) general hotel license; (ii) license to operate a restaurant and bar; (iii) LGA license, which requires inspection by health officer from the authority; (iv) TFDA license; (v) certification requirements from environmental authorities; (vi) hotel levy (certificate); and (vii) certification from institutions such as SDL, VAT, and social security. The fees and charges listed here are overseen by regulators who conduct periodic and uncoordinated inspections as shown in the table 3.1.

**Table 3.1: Number of procedures, permits and fees to be adhered to by an entrepreneur planning to start and run a tourist hotel in Dar es Salaam.**

Panel A: Starting/establishing a business in Tourism Sector (Hotel)			
Type of permit/License/Inspection	Government Agency/regulator including LGAs	Fees to be paid	Average time it takes to obtain the permit (Days)
Certificate of Incorporation	BRELA	Varies	Up to 15
TIC certification	TIC	USD 100	max 3 days
Business License (TTLB)	MNRT, Board of Tourism	USD 2,000 for locals and USD 5,000 for foreigners	10
TFDA Business Permit	TFDA, Ministry of Health	TZS. 150,000	10
COSOTA License Fee	COSOTA	Varies	3
Accommodation License/Bedding Levy-Hotels	Tourism Board, MNRT	USD 400	15
Accommodation Facility Classification Fee			
Business License	LGA	Varies (30,000 and up)	1
Fire and Rescue Certificate	Fire Department, Police Force	TZS. 300,000	10
Frequency Radio License	TCRA	Varies	30
Liquor License	Municipal Council	Varies	5
Environmental Assessment Certificate	NEMC		40
Shop License	Municipal Council	Varies	5

<b>Panel B: During the daily Business operations</b>			
Government Type of permit/License/ Inspection	Agency/regulator including LGAs	Fees to be paid	Average time it takes to obtain the permit (days)
TTLB License Fee	Board of Tourism, MNRT	USD 2,000 for locals and USD 5,000 for foreigners	10
Business License	LGA	Varies (30,000 and up)	1
OSHA Fee/ Compliance License	MoL	Varies	5
COSOTA License Fee	COSOTA	Varies (video, audio & live music)	2
TFDA Permit	TFDA, Ministry of Health	TZS. 150,000	2
Sign Board Fee	Municipal Council	Varies	3
Camping Fees	TANAPA		
Property Tax	Municipal Council (now TRA)	Varies	2
Payroll Levy/SDL	MOL/META	4.5% of Payroll	32
Municipal Service Levy	Municipal Council	0.3% of Gross Revenue	7
Land Rent	Municipal Council	Varies by land size	1
Fire and Rescue Certificate	Fire Department, Police Force	300,000	2
Frequency Radio License	TCRA	Varies	30
Liquor License	Municipal Council	Varies	5
TIC certification	TIC	USD 100	max 3 days
Work Permit Class A/B	Immigration/ Labour Commissioner		4
VAT	TRA	18%	52
Corporate Tax	TRA	30%	15
Dividend Withholding Tax	TRA	Varies	
Stamp Duty on Rent	TRA	1%	

Beside taxes, fees, and charges, private sector stakeholders are also concerned about unannounced inspection visits frequently conducted by regulators. The private sector acknowledges that different agencies are mandated to conduct periodic inspections to the businesses in the hotel industry. However, the issue is that such inspections are not coordinated, each regulator undertaking inspections at time periods of their choice. This forces hotels to spend a lot of time dealing with inspections which, according to them, cost them 1,042 hours per annum (about 130 man-days) (TCT, 2010).

Furthermore, it has been observed that some regulators inspect multiple components in hotels. For instance Occupational Safety and Health Authority (OSHA) conduct hygiene inspections; electrical inspections; and steam boiler inspections. Electrical and steam boiler inspections are also conducted by other regulators. These inspections are necessary for safety in working environment. Nonetheless, hotel operators feel that they should be coordinated such that inspectors from these various components conduct joint inspection visits. The idea is to reduce interruptions in business activities.

## Recommendations

- Streamline the payment processes including setting up a one-stop-shop.
- Set a mechanism for coordinating inspections both among regulators and across units within regulatory agencies.
- **Hotel Levy Charges**

In this sector, hotels are subject to paying 10% of the turnover as hotel levy, as stipulated in the Finance Act and enforced by LGAs. Apart from this levy, business entities are supposed to pay for a license to operate as well as pay income tax (TCCIA, 2016). TCCIA recommends a rate of 2%, arguing that it will increase investments and employment as well as improve compliance. In the tourism sector, hotels in Tanzania spend about 1,042 hours a year on regulatory issues. This is equivalent to six months. Operators are also supposed to pay fees and charges as stipulated by Tourism (Fees and Charges) Regulations, 2009. Apart from this, businesses are required to comply with other LGA specific by-laws linked to their operations.

## Recommendation

- Review and reduce the hotel levy rate as a way of increasing investment, employment and improving compliance and effectiveness in revenue collection.

## Wildlife and Hunting

### i. Coordination of Marine Parks

Concerns have been raised that while the Ministry of Natural Resource and Tourism is in charge of enforcing the Wildlife (Wildlife Conservation Act, 2009) it has no mandate over Marine Parks. The marine parks belong to different component of tourism and are under the mandate of the Ministry of Agriculture, Livestock and Fishery as provided for by the Marine Parks Act. Stakeholders view this setup as posing a challenge to the development of the tourism sector as the regulations under the Marine Parks are overseen by a body structurally located outside the sector without a coordination mechanism.

## Recommendation

- Adjust the relevant law so that regulation of all tourist attractions is managed under one Ministry; or establish a coordinating mechanism within the law to ensure that the sectoral overlap is eliminated.

### ii. Uncertainty in Renewing Hunting Block Leases

The current set up for renewing hunting block leases appears to bring uncertainties, it has been argued by stakeholders in the tourism sector. Regulation 16 (1) of the Wildlife Conservation (Tourism Hunting) Regulations, 2015 requires the Minister responsible for tourism to invite hunting companies to submit their applications to renew their respective leases by 31<sup>st</sup> December of the Third year of the hunting term. In case the Government does not wish to renew the lease, for any reason, such position should also be communicated to the respective company on the said date. It is common practice for such notice not to be provided within less than six month to the lease expiry date, which constrains hunting operators in planning their activities appropriately.

## Recommendation

- Improve the coordination of Hunting Lease renewal, including timely communication of decisions to the Hunting Companies.

### iii. Double Requirement of TTLB Licensing in Hunting Business

The law requires Professional Hunters (PHs) to pay for TTLB licenses. According to stakeholder, the PHs are employees for whom employers have already paid for the TTLB license. They view this as double payment for licensing hunting activities making PHs migrate to neighboring countries which do not impose such a condition. It has also been noted that the law requires that, for each foreign professional hunter employed, a local hunter must also be employed, as a way of building local skills. The key assumption is that there is a reasonable supply of professional hunters in Tanzania. Stakeholders are however of the opinion that this is not the case on the ground.

#### Recommendation

- Review the regulations and remove the double licensing element in hunting tourism and review the law requiring training of local PHs.

### iv. Confusion on the Laws Guiding National Trophies

There is an apparent lack of clarity from an implementation point of view in the hunting sub-sector with regard to the distinction between hides and skins and national trophies. Under the Hides, Skins and Leather Trade Act, 2008, exportation of hides and skin requires that a permit be issued by the National Hides and Skins Verification Committee. There is a misconception that skins and hides from hunting activities (“national trophy”) are regulated under this Act. This is because the Wildlife Conservation (Dealing with Trophies) Regulations, 2010 also regulate the management of products from hunting activities. Under these Regulations, in order to export trophies, (which include hides and skins) one requires proof of: ownership of Trophy Dealer’s License; CITES permit as prescribed in the CITES Regulations; and Trophy Export Certificate.

To add onto the apparent confusion, Regulation 22 of the Animal Diseases (Animal and Animal Product Movement Control) Regulations provides that it is the Ministry of Agriculture Livestock and Fishery that issues Wild Animal Export Permit. Stakeholders lament that there are instances where skins and hides from hunting tourism have been confiscated by officials from Ministry of Agriculture Livestock and Fisheries (MALF) due to the contradictions and misinterpretation of the governing laws and attendant Regulations. The misconception has been occasioned due to lack of coordination among the Regulators in the MALF and Wildlife Division (WD) on licensing export of trophies although the law clearly provides for the need for these two to coordinate.

#### Recommendation

- Clarify on the mandates of MALF and the WD regarding handling of business relating to the export of trophies.

### v. Justification for Trophy Handling Fees

According to stakeholders, the government charges a fee of between USD 400 and USD 600 depending on the package. The fee is payable on the application of the hunting permit. Stakeholders have expressed uncertainty on why this fee is paid to Government as the intended service is not provided by it. The handling of all trophies, according stakeholders, is done by the operators at their own cost.

It has been noted that this and other very high fees (compared to competing destinations) discourage hunters from coming to Tanzania. These include: Hunting Permit fees (Bow & arrow), charged between USD 2000 and USD 2500 depending on the package, and Conservation Fees (Hunter & Observer) charged at USD 150 for hunter and USD100 for observer per day. The Hunting Block Fee is charged between USD 5000 and USD 60000 depending on the Category; and the Hunting Block Transfer Fee is charged at USD 35,000.

### **Recommendations**

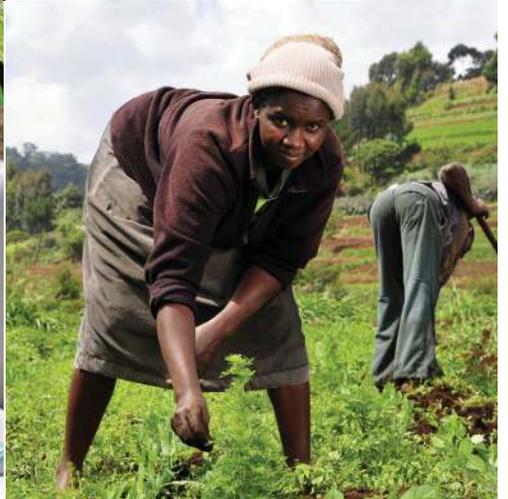
- Reduce substantially or remove altogether the Trophy Handling Fee or justify it anew.
- Review the hunting fees rate to make them match with the average in the region to enhance competitiveness of the country's hunting sub-sector.

#### **vi. Variation of Quality of Runway Maintenance under TANAPA**

It has been noted that the Ministry mandated to regulate Infrastructure development sets standards on airstrip runways in National Parks but does not have the powers to enforce them. At the same time, maintenance of the runways is in the jurisdiction of TANAPA and this brings unnecessary bureaucracy.

#### **Recommendation**

- Clarify the legal mandates of the Ministry charged with regulating runways and TANAPA in National Parks.



### 3.3.2. Agriculture and agro-processing

Several laws and regulations have been made to govern the agriculture sector (Table 3.2). These laws form the basis of most of the licenses, permits, registration, and certifications and the areas, etc. in the sector. Studies have shown that some of the regulatory roles have not been pro-business and they should be streamlined to improve the regulatory regime and enhance compliance and enforcement system. Due to weak cross-referencing in several laws, it has been shown that compliance is unclear to business operators and there is lack of transparency among the regulatory agencies on how they exercise their regulatory functions. Furthermore, in some of the agencies capacity is relatively weak, resulting in additional costs in terms of delays and excessive risk aversion towards adoption of new technologies.

**Table 3.2: Laws applicable to the Agriculture Sector in Tanzania**

1. The Cashew Nut Industry Act of 2009
2. The Cotton Industry Act No 2 2001
3. The Coffee Industry Act No 2 of 2001 (Cap 347 RE 2002)
4. The Pyrethrum Act No 1 of 1997 (Cap 376 RE 2002)
5. Sugar Industry Act No 26 of 2001 (Cap 251 RE 2002)
6. The Sisal Industry Act of 1997
7. Tobacco Industry Act No 24 of 2001 (Cap 202 RE 2002)
8. Tea Act No 3 of 1997 (Cap 275 RE 2002)
9. Seed Act of 2003
10. Fertilizer Act of 2009
11. Food Security Act (Cap 249) No 10 of 1991
12. Tanzania Pesticides Management and Export Control Act No. 528 of 1996
13. Tanzania Pesticides Research Institute Act No 18 of 1979
14. Plant Protection Act No 13 of 1997
15. Plant Breeders Rights Act of 2012.
16. The National Irrigation Act
17. The Cooperative Societies Act of 2013
18. Export Control Act
19. The Hides and Skins and Leather Trade Act, No 18 of 2008
20. Animal (Control of Importation) Cap 247
21. Animal Breeders Rights Act of .....
22. Veterinary Act No 16 of 2003 Cap 319
23. Animal Diseases Act of 2003
24. Dairy Industry Act No. 8 of 2004
25. Tanzania Dairy Board Act of 2004
26. Fisheries Act No. 22 of 2003
27. Deep Sea Fishing Authority Act, Cap 388, 2009.
28. The Meat Industry Act No 10 of 2006
29. Livestock Identification, Registration and Traceability Act of 2010
30. The Grazing Land and Animal Feed Resource Act No. 13 of 2010
31. Tanzania Food and Drug Authority Act No. 1 of 2003
32. The Occupational Safety and Health Act N_o_ _ _ _ _
33. Industrial and Consumer Chemicals (Management and Control) Act No. 3 of 2003
34. Public Health Act of 2009
35. Atomic Energy Act, No. 7 of 2003
36. Standards Act No. 2 of 2008

37. Weights and Measures Act, No. of 1982
38. Tanzania Trade Development Authority Act, 2009
39. Export Processing Zones Act, 2002
40. Import control Ordinance, Cap (272 RE 2002)
41. Warehouse Receipt Licensing Act, of 2005
42. Fair Competition Act, No 8 of 2003
43. The Merchandise Marks Act of 1963
44. Patents (Registration) Act, Cap 217
45. Trade and Service Marks Act
46. Copyrights and Neighboring Rights Act, Cap 218
47. Industrial Licensing Act No. 10 of 1967 Cap 46 RE 2002
48. Forestry Act (Cap 323 RE 2002)
49. Beekeeping Act No 15 of 2002
50. Wattle Bark Industry Act (Cap 158 RE 2002)
51. Rufiji Basin Development Authority Act No. 5 of 1975
52. Water Resource Management Act No. 11 of 2009
53. Water Supply and Sanitation Act No. 12 of 2009
54. Energy and Water Utilities Regulatory Authority Act, Cap 414
55. National Environmental Management Council Act
56. Advertisement Act for Tanzania

Besides the laws that govern the sector, agriculture is also subjected to the Regulations made under laws that govern cross-cutting agencies, such as TBS, TFDA, etc. Also, LGAs intervene and collect revenues from the sector through their respective by-laws. The agriculture sector regulatory framework also overlaps with other regulatory frameworks of other agencies. For instance, the registration of slaughter facilities is regulated by DVS, Meat Board, and TFDA. Carrier permits milk and products are regulated by TDB: The Dairy Industry Act, 2004, section 32 (b) and -TFDA: Tanzania Food Drugs and Cosmetic Act, 2003 and its Regulations. Also, whereas produce cess remains an important source of LGA revenue, it is considered by the private sector as one of nuisance taxes at the local level as many businesses face confusion on the amount, frequency and point of payment of the cess. This unfriendly regulatory regime in agriculture partly explains low attraction of large foreign and domestic investment in agriculture. It is estimated that agriculture has only 3 percent of FDI stock in Tanzania.

However, potentials exist in both non-tradition cash crops (e.g. vegetables, oils and flowers) and traditional crops such as tea, coffee, barley, maize, cocoa, and cotton; commercial livestock farming; and inputs such as seed, fertilizer and pesticides; among others. This section presents in details regulatory issues facing the agriculture sector and the recommended reforms. The analysis brings to the fore the challenges faced by businesses in the agriculture sector. It first analyzes general issues pertaining to the sector before zooming in to sub-sector specific issues.

## Regulatory issues in agriculture and agro-processing

- **Predictability of Policy Decisions on Agricultural Trade**

The business community has decried the ad hoc manner in which policy decisions are made with regard to trade in agricultural produce, for example the ban on exporting food crops and import permits. They point out that export ban and import tariff waivers make the policy regime unpredictable to investors, ordinary farmers, small-scale agro-traders and large-scale agro-processors. They note that such decisions, though often made with good intentions, penalize domestic producers and exporters. They also point out that there is lack of clarity on policy related to export taxes on some products (e.g. Cashew and Hides and Skins, as well as the non-market prices offered by the National Food

Reserve Authority - NFRA). It should also be pointed out here that studies such as the Agriculture PER/SR 2014 have shown that NFRA pricing policy is not effective in stabilizing food prices but causes market distortions and discourages the private sector. The decision of NFRA to pay prices well above the farm-gate price are unrealistic and brings in elements of inequality because the Agency can only reach a very small section of farmers in the country.

### Recommendations

- NFRA should not play a buffer stock role, nor should it be paying farm-gate prices well above the prevailing market prices in order to avoid price distortions.
- The NFRA capacity should be enhanced to attain sufficient stock so that the Government can institutionalize free trade by encouraging policies that promote market forces e.g. through legislation.
- There should be a sustainable strategy for surplus production so that Tanzania can establish itself as a consistent regional exporter of maize. Surplus will be achieved if Regulations in the sector could be aligned towards ensuring profitability of agriculture.
- Put in place a close monitoring and evaluation process for all strategic crops in order to have a data base on the amount of food produced, consumed, and imported or exported.

## Horticulture Sub sector

### i. Duration for Importing Pesticides and Insecticides

The current review has established that there is some overregulation exercised by Tanzania's Tropical Pesticides Research Institute (TPRI) that restricts importation of 'softer' and more modern pest-specific pesticides and insecticides such as Biological Control Agents (BCAs). According to the global trend, these technologies are key for the modern horticulture sector. Stakeholders have complained that the registration process for newer, safer products – including Biological Control Agents (BCAs) – is unclear, expensive and excessively long. It has been noted that in Tanzania it takes as long as three seasons to complete trials even for standardized global products.

#### Recommendation

- Review the TPRI's import control protocol for Biological Control Agents (BCAs) to allow growth not only of the horticulture sub-sector, but also of other crops.

### ii. Tax Exemption for Horticultural Inputs and Equipment

Another concern in the sub sector relates to the VAT Act 2014. It has been noted that the VAT Act does not accommodate a range of modern horticultural inputs and equipment in its list of exemptions. These include dam liners for irrigation technology, spare parts for greenhouses, biological control agents, agro-nets, plant protection substances, and storage, post-harvest and cooling equipment. The exclusion of these inputs reduces the competitiveness of the sub-sector in the international markets.

#### Recommendation

- Amend the VAT Act 2014 to accommodate a range of modern horticultural inputs and equipment in its list of exemptions, including dam liners for irrigation technology, spare parts for greenhouses, biological control agents, agro-nets, plant protection substances, and storage, post-harvest and cooling equipment.

## Livestock Sub sector

Livestock is an important component in agriculture in Tanzania and the potential for developing processing industries along this sector is huge. It is in this regard that the FYDP II prioritizes livestock and livestock products such as beef, dairy, chicken, hides and skins. From the regulatory viewpoint, however, stakeholders claim that the sector is overly regulated, to an extent that limits its growth and contribution to the national economy and reduction of poverty. Some of the challenges noted include:

- **Overlapping and Conflicting Mandates among Regulatory Agencies -**

Like in other sectors of the economy, stakeholders in the agriculture sector have pointed out regulatory issues relating to overlapping and sometimes conflicting mandates. For instance, it has been noted that the registration of manufacturers and suppliers/distributors of animal feeds requires sanction from the Department of Livestock Production & Marketing (DPM as provided for by the Grazing – Land and Animal Feed Resources Act) as well as by the Tanzania Dairy Board (TDB under the Dairy Industry Act of 2004 Section 32(b)).

There is also an overlap in the control of the import and export of animal feed (crop-by-products, e.g. soya bean cake, maize bran) which is regulated by the Directorate of Veterinary Services (DVS) through the Animal Diseases Act of 2003 & its Regulations 2007 and the Department of Plant Protection –Phytosanitary. Import and export of milk and milk products, on the other hand, is regulated by the Tanzania Dairy Board (TDB) and the Directorate of Veterinary Services (DVS). Despite the overlaps, there is concern of large amount of fees - TDB charges FOB Value of 1% while DVS charges are based on weight.

It has also been noted that there is an overlap with respect to the registration of acaricides. In practice, registration is done by the Directorate of Veterinary Services (DVS) through the Animal Diseases Act of 2003 & its Regulations 2007. At the same time, the Tropical Pesticides Research Institute also registers the acaricides.

### Recommendations:

- The Department of Livestock Production and Marketing (DPM) should handle registration of manufacturers and suppliers/distributors of animal feeds.
- The control of the import & export of animal feeds could be handled by DVS because of veterinary public health interest. Where necessary in this could be done in collaboration with Department of Plant Protection and Department of Livestock Production and Marketing (DPM).
- DVS/TDB should levy charges per consignment on import/export of milk and milk productions DVS and consider refraining from charging exports in order to promote exports.
- As an interim measure, a Memorandum of Understanding (MOU) between the two departments (both under one Ministry) should be entered into to iron out the challenges while measures are taken to change the law to reflect the recommendations made.
- As an interim measure, the DVS should enter into an MoU with Tropical Pesticides Research Institute on specific functions related to acaricides registration in order to do away with noted overlaps.

## Dairy Sub sector

Studies have pointed out that Tanzania has a low annual per capita milk consumption of about 45 liters per person (compared to 130 in neighboring Kenya). Furthermore, much of the milk currently consumed in Tanzania is raw milk, which carries attendant health risks and quality problems. Nevertheless, dairy industry remains one of the sub-sectors considered to be heavily regulated. Challenges in this sub-sector relate to:

### i. Overlaps among Regulators

There is a plethora of regulators, most of them performing similar functions. Different agencies regulate the same issue but only use different terminologies such as registration premises/business name/manufacturers, processor/company. In practice, they all mean the same. Furthermore, there are overlaps in inspection/focus areas for institutions like TDB, TFDA, TBS and LGA, which relate to the obligation to comply to set standards and hygiene. Also, these agencies issue permits, / licenses for regulation of products and/ premises.

The Tanzania Dairy Board also issues import permit with the objective of controlling the importation of dairy products to Tanzania. The permit is valid for a period of only one month. The regulatory issue around this permit is that holders of the permit are also subjected to the requirement to obtain approval issued by the Division of Veterinary Services and TFDA. This is duplication of roles/functions.

### Recommendation

- Being mandated to promote development of the sub-sector, TDB should coordinate registration of premises/ business name(s)/ processors or manufacturers.

### ii. Claims for VAT Refunds and Protection of Local Businesses

Stakeholders in the private sector have recommended that zero-rated VAT be changed to VAT exempted status. This, according to them, will assist in claiming VAT refunds. Concerns have also focused on the lack of clarity in the definition of 'processed' and 'unprocessed milk' in the VAT Act 2014. Lack of clarity has been the source of conflict between tax administrators and processors.

Currently, ultra-heat treatment (UHT) milk is imported without being charged VAT which, arguably, does not provide the needed protection to domestic processors. The government could recover the lost revenue if the imported fresh milk (UHT) would be considered as processed milk and therefore liable to VAT.

### Recommendations

- Consider reverting to zero rating of the sub-sector inputs.
- Consider amending the law to charge VAT on processed milk.

## Skins and Hides Sub-sector

Tanzania is home to the 2nd largest livestock herd in Africa. The potential and importance of the leather industry is thus high if Tanzania reforms the regulatory regime facing this sub-sector to increase domestic value addition to the hides and skins produced. According to the National Leather Sector Development Strategy 2016 – 2020, the Government's vision is to have a competitive and coordinated leather industry built on high, modern technology, sustainable best

practices and responsive to the world market. However, constraints in this sector will hamper the objective. Some of the concerns in this sub sector relate to:

### iii. Production Costs and Licensing Procedures

The private sector in this sub-sector are facing high cost of production linked to licensing procedures, logistics costs and informal costs as well as complicated licensing procedures to comply with. They are also faced with uncontrolled dumping of cheap imported leather articles/goods in the local market.

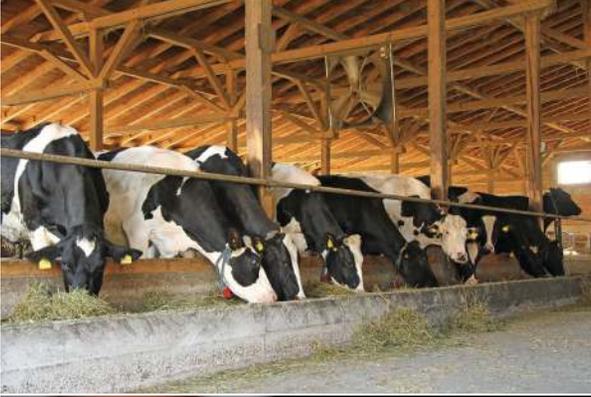
The laws governing the sector include the Animal Welfare Act (No 19 of 2008); Meat Industry Act (No 10 of 2006); Livestock Identification, Registration and Traceability Act (No 12 of 2010); Environmental Management Act (2004); and the Tanzania Bureau of Standards (TBS) Act. However, the Hides, Skins and Leather Trade Act (2008) is the main law which governs the sub-sector. The Act focuses on developing and regulating the production and preservation of hides, skins and leather and the promotion of their trade through regular inspections and licensing requirements, in order to improve the quality of hides, skins and leather for both domestic and international markets. The Act also aims to ensure that production takes place in an environmentally friendly manner and with community-level participation. To achieve this, the Act provides for the following instruments, which were noted to overlap with other instruments under NEMC, WMA, TBS, LGAs, etc. Some of the licenses are issued in Dar es Salaam, irrespective of where the export is located, adding to the cost of doing business. The long chain of licenses and permits that complicates matters is summarized in Table 3.3.

**Table 3.3. Licenses and permits according to the Skins and Hides Act 2008**

1	Licensing of premises
2	Hide dressers to be licensed
3	Hide graders to be licensed
4	License in respect of premises
5	Duration of premises license
6	Suspension and cancellation of license
7	Licensing authority to keep register
8	License not transferable
9	Hide dresser's license
10	Hide grader's license
11	Duration of hide dressing and hide dresser's license

### Recommendations

- Simplify and streamline the bureaucracy and licensing procedures by decentralizing issuance of permits and licenses.
- Explore the possibility and capacity of export permits to be handled in one centralized Department in the Ministry.
- Revisit measures related to import and export taxes (e.g. export tax on wet-blue).



## Meat Industry

Tanzania has an estimated 22.8 million cattle, 15.6 million goats and 7 million sheep, 2.01 million pigs and 60 million chickens. Tanzania's cattle of high grade are sold across the borders unofficially at an estimated count of 300,000 cattle (2002). However, a large proportion is consumed domestically. The sub-sector has a number of challenges, which hold back the performance of businesses.

- **Multiple Regulatory Agencies and Export Taxes**

The Tanzania Meat Industry faces several regulatory constraints, which hinder it from producing meat of high quality for domestic and export markets. In particular there is limited availability of Machinery and Equipment for abattoirs and modern meat processing facilities. Thus, only four slaughter facilities are licensed for export (Cholo Investment Ltd, Mwanza; TCM, Dodoma; S&Y, Dodoma; and SAAFI, Sumbawanga). Traders in live animals or in meat, for both internal and external markets, on the other hand, are subject to an onerous regime of filling forms and processing permissions (including DVS, TMB, TBS and TFDA). Involvement of multiple and often conflicting legal instruments under the jurisdiction of multiple ministries and other official bodies further impinge upon the livestock sector.

The main law regulating the industry is the Meat Industry Act No 10 of 2006. The Act provides for the restructuring of meat industry, to establish a proper basis for its efficient management, to ensure provision of high quality meat products and for matters related therewith. Others are the Veterinary Act No 16 of 2003; the Grazing Land and Animal Feed Resources Act No 13 of 2010; the Animal Diseases Act No 17 of 2003; the Livestock Identification, Registration and Traceability Act No 12 of 2010; and the Hides, Skins and Leather Trade Act No 18 of 2008. Besides these, the sector is also regulated by:

- i. The Food, Drugs and Cosmetics Act No 1 of 2003 (establishes the Tanzania Food and Drugs Authority or TFDA);
- ii. The Tanzania Bureau of Standard's Code No TZS 109:1987;
- iii. The Tanzania Bureau of Standard's Code No TZS 128: 1981(E) Meat and meat products;
- iv. The Meat Slaughter Regulations;
- v. The Meat Hygiene Regulations of 1993;
- vi. The Guidelines for Slaughter Facilities as provided by Tanzania Food and Drugs Authority (2007);
- vii. The Meat Transport Regulations;
- viii. Food Hygiene Regulations;
- ix. Food Labeling Regulations;
- x. Food Import and Export Regulations.

The products and produce from the agriculture sector are also regulated and taxed by LGAs in several ways. But one of the typical concerns is the issue of produce cess, which raises concerns on both the rate and the way it is administered. Some of the procedures for processing permits and licences required in authorizing trading in red meat are given in Box 3.2:

**Box 3.2: Procedures for Export of Meat and Meat Products**

- i. The prospective exporter should have a Company registered in Tanzania by BRELA, or need to enter into joint a venture with a registered Tanzanian company (Need to submit Company Registration Certificate)
- ii. The exporter should be registered by the Tanzania Revenue Authority and hold Tax Identification Number (TIN) ,
- iii. The prospective exporter should hold valid export license from the Ministry of Industry and Trade which is charged TZS. 100,000/=
- iv. The prospective exporters should register with Tanzania Meat Board as meat industry stakeholder. They should pay a fee of TZS. 150,000/= initially and retention fee of TZS. 102,000/= every year.
- v. The prospective exporter should obtain certificate of origin from Tanzania Chamber of Commerce and Agriculture at a fee ranging from TZS. 25,000 up to 55,000 depending on the volume of meat export.
- vi. The exporter should obtain Certificate for safety and quality compliance for products from the Tanzania Meat Board.
- vii. The exporter is required to process an export clearance Certificate from the Tanzania Meat Board at 1% of F.O.B value of the exported meat
- viii. The prospective exporter should apply to the Director of Veterinary Services for export permit attaching the following documents:-
- ix. They also need a Veterinary health certificate from the exporting country
- x. In addition the following requirements form part of the conditions:
  - An Invoice
  - Certificate for safety and quality compliance for products from Tanzania Meat Board
  - Certificate of origin from the exporting country (TCCIA)
  - A clearance certificate from Tanzania Meat Board
  - The Director of Veterinary Services shall in turn issue a Veterinary Export Permit.
- xi. Different countries have different import requirements (e.g. Muslim countries will require d Halal certificates). Slaughtering and processing should be undertaken in a registered and approved abattoirs only

Another main regulatory agency in this sub sector is the Tanzania Meat Board, which issues registration certificates; export and imports certificates with a charge of 2% of FoB value of the import and 1% for the export. It is clear that such charges are not meant to only cover the cost of processing the required documents. They are also a source of revenue.

**Recommendations**

- i. There should be a clear distinction of roles and functions between TMB and TFDA, and in areas where focus is on food quality and safety TFDA should be the lead agency.
- ii. TMB should focus on those areas where TFDA has less comparative advantages, including areas related to introducing and enforcing grading and sales by live weight at markets and promoting fair and competitive farm-gate prices.
- iii. Give the mandate to inspect and issue the export license/permit/certificate to only one regulatory agency instead of the currently three agencies. Other regulators should recognize the permits/license issued by the mandated agency.
- iv. The Board should charge fees on exports to cover the cost associated with the documents required by export and should not be treated as source of revenue.

## Crop/Commodity Boards

Tanzania has a tradition of using crop/commodity specific boards to regulate traditional crops. The agricultural commodity boards for coffee, cashew-nut, cotton, sisal, tea, sugarcane and pyrethrum were established by Acts of Parliament for the purpose of performing regulatory functions for specific crops on behalf of the Government. The commodity Boards perform the following main roles:

- i. Formulating and implementing development strategies for their respective industries;
- ii. Providing regulatory services to promote good quality products;
- iii. Financing research and extension services for the respective industry;
- iv. Disseminating relevant information to stakeholders in the industry; and
- v. Promoting production, value addition and marketing of their respective crops

Several reforms have been carried out to improve the regulatory regime under the Boards. However, there have also been policy reversals which affect the interface between the Boards and the private sector. For instance, *Tanzania Pyrethrum Board (TPB)* as a regulator has removed most of the fees to their customers. However, LGAs still charge them. The Board is now considering re-introducing the fees for revenue purposes.

The following are the regulatory issues under each Board or for the crop each of the Boards regulates.

### ***The Tanzania Tea Board***

The Tanzania Tea Board is established by the Tea Act of 1997. This Act also establishes the Small-Holder Tea Development Agency (Section 3(1)). The Board was established to promote and regulate the growing and export of Tea, and the imposition of cess on tea. Section 5 (3) provides for the functions of the Board, which include, among others, licensing of tea factories, licensing of tea blenders and packers, regulating, controlling and improving the cultivation and processing of tea, control of pests and diseases, licensing and control of export and import of tea, assisting in the investigation of and research into all matters relating to the tea industry; and collection, keeping and maintaining statistics relating to the tea industry.

Section 5 (3) empowers the Board to engage in commercial activities subject to approval of the Minister. It also allows the board to issue licenses upon payment of the prescribed fee. Section 23 provides for types of license which can be issued which are green leaf tea buying license, green leaf tea processing license, tea blending and packing license, tea export permit and tea import permit. Section 24 clearly provides that application for licenses be processed within seven working days.

Section 10 outlines the sources of funds for the Board, which among others include monies raised by way of levy or cess imposed by the Board. The board has the power given under section 14 to register all growers of tea whereby they have to furnish particulars such as of the owner, occupier or manager, land and the planted tea.

Section 17 empowers authorized persons to enter and conduct inspection for the purpose of ascertaining compliance with the requirements provided under the Act. Section 18 grants the power to search and seize officers of the Ministry of Agriculture, of Board; any police officer or administrative officer may enter and search any premises if it is believed that in the premises there is tea which has been illegally manufactured or possessed. They can also detain any vehicle, vessel or other conveyance which they believe contains manufactured tea which does not have export permit.

The Tea Board through inspection controls the quality, grading and weighing of tea. It issues standards to be complied with, such as the obligation for manufactures to produce tea which complies with acceptable international grades

as per Section 33. Section 35 recognizes the role of Weights and Measures Agency by requiring certification of all weighing scales to be by the Agency after inspection.

Section 25 permit the board to raise, collect cess and all manufacture of tea to pay cess at such a rate set by the Minister. The Minister is allowed to impose annual cess per each acre of Tea. The money obtained from levy or other sources is supposed to be deposited in the Tea Development Trust Fund as provided for under section 27. The money in the Fund can be used to promote the welfare of small holders and the tea industry or enhance its economic production.

The Board issues 3 types of licenses (tea processing; tea buying and processing license; tea blending license) and 2 permits (Importation permit and Export permit) and charges some fees (e.g. the board charges inspection fee of TZS 1,000,000 for building a new factory). The main challenges relating to the Tea Board are:

#### **i. Multiplicity of Regulatory Agencies**

The private sector in the tea industry is subject to a multiplicity of regulatory agencies, including OSHA, TFDA, and FIRE. These agencies have more or less the same objectives of ensuring health and safety of the consumers and the workers. There are, however some conflicts in this regard. For example, while the TTB grants export permits, MITI issues export licenses and TBS comes in on quality issues.

#### **Recommendations**

- Coordination among the respective agencies should be strengthened, commencing with MoUs in the short term. In the medium term, coordination should be made legally binding. For example, when it comes to inspections of office premises, OSHA could be empowered to also handle inspections relevant to FIRE.
- The Crop Board mandated to promote the sector should be the lead agency except on matters in which the Board does not have capacity or/and comparative advantage. For example, MITI should leave the mandate to issue both export licenses and permits to the Board.

#### **ii. High urban land rent**

As urban areas expand, some farms are now located within the vicinity of the urban areas and therefore attract higher land rent charge by LGAs. Therefore for some crops, including tea and sisal, some farms are now considered to occupy urban land, thus attracting higher land rent. The higher rent charged ultimate translates to high cost of doing business and low competitiveness.

#### **Recommendations**

- From the environment conservation viewpoint, the farms in the urban areas should be considered as part of the greenbelt to beautify the town.
- Farms encroached by urban areas should continue to attract rural rates of land rent until such a point where it is absolutely necessary to change the land use plan.

#### ***The Cashewnuts Board of Tanzania***

The Cashew nut Industry Act No. 18 of 2009 provides for the establishment of the Cashew nut Board and provides for the regulation of production, grading, processing and marketing of cashew nuts and kernels. The function of the Board is to regulate functions and other activities in the cashew nut industry and to control the quality of cashew nuts, kernels and cashew nuts by-products. (See sec 5)

The powers of the Board include issuing licenses or permits for buying, processing and exporting of cashew nuts; enforcing the implementation of regulations in respect of farming, marketing, processing, transporting and storage of cashew nuts; and registering growers, buyers, sellers, processors and exporters of the crop. It also has powers to appoint inspectors of cashew nuts farms, cashew nuts, kernels, premises, processing facilities, warehouses and any other facility that may need to be inspected (see sec 5).

Inspectors have power to -

- Supervise land preparation, cultivation, keeping of nurseries, farm management, harvesting, drying, packing, transportation and storage of cashew nuts;
- Inspect cashew nut farms, processing plants, marketing centers; and
- Take samples and certify the weight and quality of cashew nuts as are provided for in this Act or as may be prescribed by the cashew nuts regulations. (See sec 21)

The Board issues licenses for the purchase of cashew nuts at a fee of about USD 2000 and TZS 1,000,000. It also issues cashewnuts processing licenses which are free and cashewnuts exporting permits for a tax of USD 150 per metric tone - charged directly by TRA. Of the revenue collected, 65% is disbursed to the Cashew Fund. Co-operative Unions in cashew growing areas have started constructing and using warehouses. The warehouses are licensed and regulated by the Warehouse Licensing Board (Act No. 10 of 2005). However the Cashewnut Board regulates cashew handling in warehouses, which sometime results in overlaps of the regulatory functions. Like in other crops, there are many players engaged in regulation, including the Cashew nut Board, Co-operative Unions, the Warehouse Licensing Board, and LGAs. However, as proposed elsewhere in this Blueprint, one strong and capable overseeing regulator would most likely provide a better service. Other challenges in this sub-sector include:-

- **Prohibition of Importation of Raw Cashew**

Under the current legal framework, importation of cashew nuts is prohibited in order to protect the farmers (forcing local process to source cash from domestic farmers). Cashew nut processing plants in Tanzania can only operate for a maximum of three months and thereafter, during off-season, the plants remain unutilized. Also, all cashew nuts have to be routed via the cooperative unions and auction system. This means that the processor has no secure of supply and cannot develop normal supply chain relationships with farmers and farmer groups.

Private actors complain about the current arrangement where cashew nuts can only be purchased through cooperatives. They argue that the costs of routing a product through the cooperative unions and auctions are too high. However, the relative market power between individual farmers (outside the cooperative union) and the cashew nut buyers justify this kind of regulation/control, at least in the medium term.

### **Recommendations**

- Processors should be permitted to source raw cashew from imports during off-season. In order to avoid over importation and ensure that domestic farmers continue to receive profitable prices, the import quota should be based on the total installed processing capacity vs the expected domestic production.
- The Board should continue its mandate to control cashew exports, taking into consideration the demand from domestic processors.

### **The Tanzania Sisal Board**

The Board issues 4 types of licenses: farming license, processing license, trader license and export license. All permits and licenses are issued for free. Challenges facing the Tanzania Sisal Board are more or less similar to those in othersub-sectors, which are mainly duplication and multiplicity of fees and charges.

### ***The Tanzania Cotton Board***

The Cotton Industry Act (Cap. 201) establishes the Tanzania Cotton Board and empowers it to issue licenses or permits of the following categories: (i) seed cotton buying license; (ii) ginning license; (iii) cotton lint or linters export license; (iv) cotton seed or cake export permit; and (v) cotton lint export permits.

In practice it has been noted that the Board deals with issues of buying spot license (at village level) on seasonal basis and export license are offered on annual basis. Export permits are issued for batches to be exported. The Board also issues cotton quality certificate (issued especially to exporters) after going through a laboratory inspection of both organic and inorganic cottons. In addition the Board issues ginneries construction permits in order to guarantee quality of the constructed ginneries. Furthermore, the Board issues cottonseed permits given to those who wish to export cottonseeds. All the permits and licenses are given for free following issuance of a government directive. Identified challenges in the sub-sector include:

- **Weak Enforcement of Contract Farming Schemes**

Unlike in other cash crops, e.g. sugar and sisal, contract farming in the cotton sub-sector has been difficult to enforce. Small-scale ginners do not invest in farmers in such schemes like out-growers or contract farmers. The ginners are not convinced that the government has the ability/capacity to regulate such a system and protect investments.

#### **Recommendation**

- The necessary condition for contract farming is stringent regulation that prevents free riding by ginners who do not invest in out-growers and contract farming schemes. This requires a regulatory body with the autonomy to grant licenses and capacity to enforce contracts.

### ***The Tanzania Sugar Board***

The Sugar Industry Act, 2001, establishes the Tanzania Sugar Board to regulate and promote sugar industry. The country's sugar industry is divided between domestic producers and importers. The Board offers several licenses including sugar milling license, sugar importation license, sugar export license, and license to produce sugar by-products (e.g. ethanol). Sugar milling licenses are given for different milling categories (large scale and small scale millers). Fees are charged according to different types of licenses. The main challenges in this sub sector are as follows:

- i. Overlapping Mandates for Inspections.**

While the regulatory framework for domestic sugar production is considered to match the best practice, inspection appears to be a major constraint with overlapping mandates usually at the port in respect of agencies such as TFDA, TBS, etc. But due to shortage of capacity, inspection at border posts is inadequate and media allegations of illegal importation of sugar are not uncommon. There are efforts to bring all agencies responsible for the sugar sector under one roof at the port to simplify the exercise

#### **Recommendation**

- The government should enhance its efforts to bring all agencies responsible for the sugar sector under one roof at the ports and factories to simplify the exercise.

- ii. Acquisition of Land for Investment**

Procedures for acquiring land for huge investment constitute a major regulatory constraint facing the sector.

## Recommendation

- The sugar industry was one of the priority areas in the BRN and now in the FYDP II. The Government should consider implementing the BRN recommendations in respect of the sugar industry.

### **Tanzania Coffee Board**

Tanzania Coffee Board is established by the Tanzania Coffee Industry Act No. 23 of 2001 and charged with the mandates to regulate coffee industry in Tanzania and advise the Government on all matters related to the growing, processing and marketing of coffee within and outside the country.

Most of the coffee produced in Tanzania is for export. There are three formal channels to export coffee. The coffee auction is one window of coffee export in Tanzania. The auctions are conducted every week on Thursdays during the season (usually 9 months). During the coffee season, auctions are carried out at the Tanzania Coffee Board in Moshi. The second window is direct export where coffee is allowed by the Tanzania Coffee Board (TCB), to be exported without passing through auction given the condition that it meets criteria for direct export. The third channel is internal market where farmers sell coffee at farm gate price to private buyers, farmer groups and cooperative. The challenges relating to the coffee sub-sector are:

- **Multiplicity of Taxes, Charges, and Fees**

The challenges facing the Coffee sub-sector are very similar to those facing other commodity crops. They include multiplicity of regulators with overlapping and sometimes conflicting decisions, as well as multiplicity of taxes, charges, and fees. This report uses the coffee sub-sector to elaborate on the issue of multiplicity of taxes, charges, and fees. Table 3.4 below shows that all taxes, charges, and fees add up to 25 percent of the going prices. Since the indicative prices are always given in band, there is a great likelihood that the incidence of multiplicity of taxes, charges, and fees is transferred to the farmers. This erodes farmers' incentive to sell coffee through the official channels.

**Table 3.4. Cess and other charges on coffee in Moshi for year 2013**

		Percent
Clean coffee Price per KG	4500	
TACRI Research fee 0.75%	33.75	0.8%
Fee to cooperatives	200	4.4%
Fee to main cooperative	100	2.2%
Coffee transportation	26	0.6%
Money transportation	9	0.2%
Crop insurance	1.25	0.0%
Money insurance	1.25	0.0%
Bank interest	150	3.3%
Local government (street) fee	135	3.0%
Processing fee (excluding VAT)	63	1.4%
Packaging Materials	65	1.4%
Health insurance	70	1.6%
VAT	23	0.5%
Value adding to coffee (organic)	50	1.1%
Pembejeo Voucher	100	2.2%
Price regulatory fund	100	2.2%
Total	1127.25	25.1%

Source: Agricultural Council of Tanzania. 2013. Study on produce cess taxation system in Tanzania. Dar es Salaam.

It is important to bring to perspective the fact that some of the regulatory challenges in the Agriculture sector have their

origin in revenue motive of the regulatory agencies. Regulatory agencies survive and operate based on such revenue following the failure of government to financially support the operation of the Boards as directed by Circular No. 25 of 2006. As a result, various Boards reverted to re-introduced charges and fees to cover operational costs of the Board.

### Recommendations

- The government should consider addressing overlaps in Regulations as outlined for other crop Boards. Whenever more than one regulator does similar activity, the mandate should be given to a single regulator with the best capacity unless there is a strong justification for duplication. For example, when it comes to the export license/permits, mandate should be given to the board while MITI only collects records of the issued licenses/permits.
- The government could consider implementing Circular No. 25 of 2006 (after amendments, if necessary).

### General recommendations on Crop Boards:

- The Government should revisit the rationale for specialized crop specific research institutes with the view to merging them/align them with other agricultural research institutions. This will also address some of the fees charged respective crops.
- Address the issue of multiplicity of charges and fees imposed by crop boards (e.g. Coffee sub-sector has 24 charges currently; and Tobacco Sub-sector 19 charges).

## Fisheries

Tanzania's total fisheries potential is estimated to be 2,665,360 tons per annum compared to the current annual production of 341,065 tons. Thus a potential exists for commercial-scale investment in fishery sector. Currently, artisanal or small-scale fisheries accounts for 98% of all production. The Fisheries Department (Ministerial level) in collaboration with Local Government Authorities are responsible for the collection and allocation of fishery sector revenue. The fisheries sector faces a number of infrastructural challenges, including poor storage and transport infrastructure. These undermine efforts to add value to fish products before export.

The existing legal and regulatory framework applicable to the fisheries sector is expressed in several legal measures enacted in the Fisheries Act Cap 279 of 2003, the Marine Parks and Reserves Act Cap. 146, the Deep Sea Fishing Authority Act Cap. 388; and the Tanzania Fisheries Research Institute (TAFIRI) Act Cap. 280, and other related laws and Regulations. The Fisheries Act is presently under revision to better reflect best international practices in fisheries governance and management. The Fisheries Regulations 2009 set out the detailed technical provisions applicable to the sector. Challenges identified in this sub-sector include:

- **Overlapping Regulations and Fish Export Royalty**

Like in other areas discussed above, the Fisheries Department mandate overlaps with those of TFDA, SUMATRA, FIRE, OSHA, etc. in terms of registration of fishing vessels; Licensing of fishing vessels; Identification of marks; and issuance of special licenses. Another main regulatory issue is the fish export royalty imposed on Tanzania's fish processors unlike in Kenya and Uganda). There are also surcharges and levies on fish imposed by the LGAs.

### Recommendations

- Rationalize and harmonize multiple laws and regulations impacting on the fisheries industry. The agency's mandate of promoting the sector should be assigned to another organ in order to minimize overlaps.
- Revisit the export royalty rationale with a view to enhancing competitiveness.

## Agricultural Inputs

Apart from the marketing bottlenecks, inadequate growth in agriculture is attributed to low usage of modern inputs, e.g. improved seeds, fertilizers, and agro-chemicals. Among the main reasons for low usage of modern agricultural inputs is unnecessarily restrictive, lengthy and costly process in registering and certifying new inputs and technologies.

**Seed Sub-sector:** Key regulators in this sub sector are the Agricultural Seed Agency (ASA) and Tanzania Official Seed Certification Institute (TOSCI). The sub sector is regulated through three main principle Acts, namely (i) Seed Act No. 18 (2003) (and the Seed Regulations of 2007); (ii) the Plant Breeder's Rights Act No. 22 of 2002; and (iii) Plant Protection Act 1997. The Seed Act provides for increasing role of the private sector and generally there is no restriction on private dealers, including importation of seeds. However, importers of seeds from already-approved varieties are required to have:

- An import permit from the Seed Unit in the MAFC
- A phytosanitary certificate
- Business license and company registration documentation; and
- Documentation outlining the company's business model and financial status

The main challenges in this sub sector revolve around the following issues:

### i. Lengthy and Costly Processes

The private sector finds it difficult to access the basic ('foundation') seeds they need from ASA at the time they need them. Also, the time required for seed companies to introduce new seed varieties – up to three years – is overly long. An independent review has show that registration of new seed varieties takes up to three years and costs at least \$15,000. On this account, processing of seed registration in Tanzania is about five times more expensive compared to the duration in Zambia. Moreover, ASA's own certified seed production program represents a conflict of interest as it places ASA in direct competition with private seed companies. The way ASA executes its mandate therefore hampers the development of an open and competitive private sector.

### Recommendations

- Review the legal framework to remove the conflict of interest between ASA as a regulatory agency and seeds trader.
- Review the legal framework for seed regulation which holds back the private sector from developing direct licensing agreements to multiply basic seed with the Agricultural Research Institutes (ARIs).

### ii. Seeds Registration and International Accreditation

The *Tanzania Official Seed Certification Institute (TOSCI)* is responsible for issuing registration certificates and certificate of ownership of seeds to researchers/research institutions. TOSCI is also charged with the task of conducting Distinctiveness Uniformity Stability (DUS) tests, National Performance Trial (NPT) and seed certification. At the same time TOSCI is required to enforce the Seed Act while TPRI is responsible for Post-entry quarantine for testing freedom of quarantine pest. The law requires charging of fee for such certification but in practice the institute does not charge such fees in the spirit of promoting the sector. It was noted that Tanzania has not obtained international accreditation from the International Seed Testing Association (ISTA) and OECD. This prevents access to potential export markets for seeds from the country.

**Recommendation**

- Strengthen institutions in the seed sub-sector to enhance their capacity and enable them obtain international accreditation from the International Seed Testing Association (ISTA) and other organizations to enhance the export seeds trade.

**iii. Overlapping Mandates**

The Seed Sub-sector faces overlaps of responsibilities in seed issues from the seed related Agencies. These include the Seed Unit; Plant Health Services; TOSCI; and TPRI. It is noted that: (i) The Seed Unit is responsible for registration of seed dealers and of variety list; (ii) PHS conducts pest risk analysis and issues plant import permits and phytosanitary certificates; and PHS enforces the Plant Protection Act;

**Recommendation**

- All Units responsible for seed issues should be merged into one organ as is done in Kenya where there exists the Kenya Plant Health Inspectorate Service (KEPHIS). To minimize problems encountered by the private sector the unified institution should be charged with the following regulatory powers:
- Protection of plants from pests, weeds and invasive species in tandem with emerging issues in both local and international agricultural sector.
- Support compliance with market requirements.
- Enhance synergies through information and resource sharing with regulatory agencies and other stakeholders.

**Fertilizer sub-sector:** According to the Fertilizer Act 2009, the Tanzania Fertilizer Regulatory Authority (TFRA) is the main agency responsible for the regulation of fertilizer sub-sector. The Act mandates the TFRA to: (i) Monitor the quality of domestically produced and imported fertilizer; (ii) Regulate the importation, production, storage, distribution, sale and disposal of fertilizer; (iii) Register and issue licenses to fertilizer dealers and register their premises; (iv) Issue import and export permits; (v) Maintain a register of all approved fertilizers; and (vi) Regulate fertilizer prices in light of government directives and appropriate regulations.

**iv. Overlapping Regulatory Mandates**

The Tanzania Fertilizer Regulatory Authority (TFRA) reports to the Agricultural Inputs Section of the Ministry responsible for Agriculture. However, there are other regulatory agencies with completely deferent line of reporting; and these have been the sources of regulatory confusion in the sub sector. TFRA issues one license (fertilizer dealer license) and two certificates namely: fertilizer dealer certificate and fertilizer importation certificate. In addition they issue two main permits: import permits and export permits. While all issued certificates are charged some fees the permits are not, for the reason that the charges are not stipulated in the regulations. Players are TFRA, WMA, Tanzania Atomic Energy Commission, and SUMMATRA.

The challenges faced include conflicting mandates with Weights and Measures Agency: while they also need to weigh, TFRA does the same and oversees the packaging. In addition, SUMMATRA regulates the vessels transporting fertilizers and charges fees for the fertilizer transported.

**Recommendation**

- Review the legal framework to remove the conflicting and overlapping mandates between TFRA and other regulatory agencies.

## v. Introducing Specialist and Customized Fertilizers

The 2011 Fertilizer Regulations prohibits the introduction of new technologies to enable new investment and innovation in the fertilizer sector. The Regulation impliedly bars companies from introducing specialist and customized fertilizers, as well as fertilizers that harness new technologies. This has implication not only for the fertilizers dealers but also the overall growth of the agriculture sector. Fertilizer Regulations also make the registration process for these ‘new’ fertilizers too long and expensive for companies. Moreover, there is an argument against the registration requirement. Except in the case of introduction of new fertilizers, most imported fertilizers are already standardized global products and all fertilizers and/or their components are anyway tested prior to importation under the Tanzania Bureau of Standard’s Pre-Export Verification of Conformity programme.

### Recommendation

- Review the legal framework to enable the private sector to effectively invest in the fertilizer sub sector.

## Regulatory Role of LGAs in Agriculture and Agro-processing

LGA by-laws in the agriculture sector cut across a number of sub-sector issues requirement for payment of licenses, fees and levies for permits. Activities regulated by most by-laws include diary, veterinary services, abattoirs dealings in meat, hides and skin, milk and milk products. Others have targeted fees for livestock dipping, agricultural produce fees, cess, market stalls and auctioning of livestock.

Some of the LGA by-laws, for example, have sought to charge fees for forest produce from forest reserves in their jurisdictions. The by-laws also address issues relating to the conservation of coffee; prohibit sale of fish to foreigners and non-citizens. (See: *Sheria Ndogo za (Ushuru wa Mazao na Vibanda Sokoni) Halmashauri ya Wilaya ya Uvinza, (GN 613/2015)*). Others have addressed environmental and health standards, for example, Ilala District in Dar-es-Salaam. (See: *Sheria Ndogo za (Biashara ya Ngozi na Ada za Machinjio) za Halmashauri ya Manispaa ya Ilala, (GN 592/2015)*)

By-laws of Mbeya City make a provision for the export of animals (livestock) to curb animal diseases, an activity also regulated under the Animal Diseases Act, Cap. 156 (See: *Sheria Ndogo za Halmashauri ya Jiji la Mbeya (Mifugo na Uvuvi) GN339/2014*).

By-laws for Shinyanga District, which also seek to regulate movement of livestock, have provision for fees on transporting animals through the District. Incidentally, these are over and above those prescribed in the Animal Diseases (Animals and Animal Products Movement Control) (Amendment) Regulations, 2013 (GN 225/2013) made under the Principal Law – the Animal Diseases Act, Cap. 156 (See: *Sheria Ndogo za Halmashauri ya Wilaya ya Shinyanga (Ushuru wa Kusafirisha na Kupitisha Mifugo) GN 7/2000*). Only a handful of LGA by-laws that seek to regulate transportation of agricultural produce have provided for format of the permits in the Schedules. An exception to this is the by-laws for Tandahimba of 2013. (See: *Sheria Ndogo za (Ushuru wa Mazao Mchanganyiko) za Halmashauri ya Wilaya ya Tandahimba, GN 171 of 2013*. It is suggested that other LGAs should emulate this good example.

Other by-laws levy charges for regulating activities related to cash crops such as cotton and cashew nut. These include Shinyanga District and Rufiji Districts. (See: *Sheria Ndogo za Ushuru wa Mazao (Pamba) za Halmashauri ya Wilaya ya Shinyanga GN 227/1999* and *Sheria Ndogo za (Kufufua na Kutunza Mashamba ya Zao la Korosho) za Halmashauri ya Wilaya ya Rufiji, GN 392/2009*), respectively. Also in this category are by-laws of Ludewa and Kyela Districts. (See: *Sheria Ndogo za (Kufufua na Kutunza Mashamba ya Zao la Korosho) za Halmashauri ya Wilaya ya Ludewa, GN 302/2008* and *Sheria Ndogo za (Taratibu za Ununuzi na Uuzaji wa Zao la Kakao) za Halmashauri ya Wilaya ya Kyela GN 175/2012*), respectively.

LGA by-laws in the agriculture sector have also addressed issues of food security (See: *Sheria Ndogo za (Kilimo Kwanza na Usalama wa Chakula) za Halmashauri ya Wilaya ya Kilolo*, GN 170/2012 (Fish and Bees), Mwanza City Council (Kirumba Mwaloni Fish Market) Fees, GN 316/2010, *Sheria Ndogo za (Mifugo) za Halmashauri ya Wilaya ya Shinyanga*, GN 135/2010 and *Sheria Ndogo za (Kilimo) za Halmashauri ya Wilaya ya Shinyanga*, GN 137/2010).

Most LGA by-laws in the agriculture sector issue permits to keep and transport livestock, and livestock products such as hides and skin, meat milk. There is a wide disparity in the issuance of such permits across the LGAs. Some LGAs issue such permits on an annual basis for each activity (e.g. auction) while others issue them for a lesser duration and for different purposes. In some LGAs the permit is issued for purposes of purchasing livestock and to enable the owner to identify their livestock while at the auction, and to protect buyers from purchasing stolen livestock. In other jurisdictions, such permits are issued for purposes of controlling keeping of livestock illegally and transporting the same. In the midst of these confusions, there are several other regulators in the agricultural sector which regulate livestock with the same objectives; for example, those targeting skin, meat, and milk. This state of affairs is certainly not good for business as it creates overlaps and duplications.

Other LGA by-laws make provision for issuance of permits for purposes of transporting goods and other items from markets (e.g. fish) outside their jurisdictions as well as permits to conduct wholesale and retail business at the market. One of the key objectives of such permits is to identify the actors and collect revenue. The permits are renewable every year and inspections are frequent. The issue at stake here concerns the standards and measurements used. For instance, some LGAs issue permits and charge fees based on the type of fishery gears used by fishers, while for traders the fees are based on arbitrary units/measurement, such as cartons, sacks, etc.

Inconsistency in the application of rates for produce cess among the LGA by-laws has also been the focus of investor's complaints relating to the business environment in the agriculture sector. It has been noted that after amendments to the Local Government Finances Act, the produce cess rates were fixed at 5% from 2007 to 2009, 3% in 2010 and 3-5% in 2011. However, some LGAs (e.g. Moshi, Kilosa, and Mvomero continued to charge 5% instead of 3% in 2010) were not flexible enough to adjust the applicable rates. Findings reveal that some LGAs do not have by-laws to guide the administration of the cess. For instance, Babati District Council has not enacted any by-law with respect to cess rates and hence has been applying directly the Local Government Finances Act No. 9 of 1982. Also, motivated by the revenue increase, other LGAs opt to charge the maximum applicable rate (i.e. 5 percent) regardless of the magnitudes of other existing fees and taxes in the sector. Lack of such by-laws has resulted in some arbitrariness in the application of the laws, which is another form of cost of doing business. Also, existence of arbitral application of laws is not a good indicator of a business regime that is conducive.

Studies by the private sector show that for the Coffee Sector in 2013 there were charges amounting to TZS 567 per kilogram, which represents 12.6% of the tax payable by coffee farmers, some of which are levied by the local government (see Table 3.2). The burden of tax and other direct charges on sugarcane in Mvomero is 9.5 % of the price payable to farmers, and the rate for cashew nuts in Mtwara is 12.3 % of the price payable to farmers; while in livestock areas (cattle), specifically Monduli, the tax burden and other charges stand at 0.9 % of the price payable to livestock keepers at the primary auction.

Korongwe DC has a by-law which requires permit to buy Cash Crops (Sisal, Forest products, Tea, Coffee, Cashew nuts and Cardamom etc). Apparently, all these crops except Cardamom, have their regulatory boards and the LGAs function is to control and regulate buying of cash crops within the council, including identifying reliable buyers (save for source of revenue).

As for the produce cess, the procedures vary considerably across LGAs. In Moshi DC the buyers (i) should get the permit from the District Executive Director and (ii) the buyers need to be identified by the Ward Executive Officer or Village Executive Officer before being issued with the permit. These requirements are not applicable to buyers in other

LGAs, for instance in Bariadi. A business person operating across different LGAs therefore faces several conflicting laws and regulations which increases the operational challenges. One common thing in them is that the permit ceases after the buyer buys the crops and transports them.

It is common for business operators both in cash and food crops to be subjected to a range of payments when travelling through different LGAs until the final destination. A business person transporting oranges from Tanga to Dar es Salaam, for instance, is subjected to different LGAs by-laws throughout the transportation route despite the different conditions.

Besides LGAs by-laws, food processing is also regulated by various laws and about 15 regulators at the national level. Many stakeholders in the private sector are of the view that regulators including the LGAs emphasize more on revenue collection than regulating the business activities. Multiplicity of licensing and inspections, fees, delays, and bureaucracy are some of the factors affecting the growth of businesses.

Hides and skins, by-products of the livestock sector, are earmarked as some of the priority sectors in the FYDP II – 2016/17-2020/21. However, there have been several complaints on how this sub-sector is regulated. Some of the concerns emanate from the LGAs' bylaws. In some LGAs businesses are, for instance, required to apply for a permit and one of the conditions requires the applicants to hold a valid business license, premises license, and grader license. However, the permit is valid only for one year and the amount of fee is not stated. The permit requirement acts as a source of LGA revenue and is intended to protect public health, safety, security and environment.

### Recommendations

- The main concern with LGA by-laws relates to variability across LGAs, uncertainty and low awareness about which by-laws are to be complied with. The Blueprint therefore recommends that LGAs should be required to put in public and list all relevant by-laws related to doing business in their jurisdiction.
- With regard to concerns about high produce cess and weakness in its administration, all LGAs should cut cess rate to 3 percent for a start and thereafter consider reducing it gradually to zero. The LGAs should also strengthen the administration of produce cess, including introduction of e-collection methods.
- As capacity grows, new revenue sources and administration procedures should be introduced (see Chapter 4); including piggy-backed presumptive income taxes administered by the Tanzania Revenue Authority.
- LGA need to be provided with capacity support to improve by-law drafting, including harmonization of clauses for businesses that transcend wide areas, in order to bring uniformity and predictability.



### 3.3.3. Transport and Logistics

The Tanzanian transport sector systems consist of surface transport (roads and railways), air transport, and sea and inland waterways (lakes and rivers) transport. The sector plays a key role in the country's business environment and the economy at large. On one hand, it provides investment opportunities; and improves access to jobs, education, health and other necessary facilities to residents in the country. On the other hand, Tanzania is the international gateway for several of its landlocked neighboring countries. Burundi, Rwanda, Uganda, DR Congo, Zambia and Malawi are all dependent, to varying extents, on the Tanzania's transport network for their access to global markets. Recent statistics show that the transport sector contributes 4.3 percent of the GDP, employs 65,815 Tanzanians and grows at 12.5 percent, a much larger rate compared to the overall GDP growth rate of 6 percent (NBS, 2014; NBS, 2017).

Like other sectors in the country, the transport sector related businesses have to deal with a number of regulatory bodies. A multi-sectoral regulatory agency, the Surface and Marine Transport Regulatory Authority (SUMATRA), was established by an Act of Parliament (No. 9) of 2001 to regulate Rail, Road and Maritime transport services. In addition, the Tanzania Civil Aviation Authority (TCAA) was established (under the civil Aviation Act (2006)) to regulate air transport in the country. At a sub-sectoral levels specific regulatory agencies include: Tanzania National Roads Agency (TANROADS), Tanzania Airports Authority (TAA), Tanzania Ports Authority (TPA), Tanzania Meteorological Agency (TMA), Tanzania Government Flight Agency (TGFA), Tanzania Electrical, Mechanical and Electronic Services Agency (TEMESA). Other cross-cutting authorities directly or indirectly regulating the sector include LGAs, Tanzania Food and Drug Authority (TFDA), Office of the Government Chief Chemist, TBS, TRA and Weights and Measure Agency (WMA). There have been recent reforms in the sector, including introduction of the National Shipping Agencies, which is both an operator and regulator.

Each of these regulatory bodies is governed by a valid legal framework, implying that any recommendation triggering a change in the sector regulatory framework should also be reflected in such laws. According to the BRN Lab Report (2014), a number of laws govern the transport sector. These include the Aerodromes (Licensing and Control) Act Cap 92 RE 2002), Tanzania Airport Authority under Executive Agent Act No 30 of 1997, Civil Aviation Act 13 of 1977 (Cap 80 RE Of 2002); Civil Aviation Authority Act No 10 of 2003. Shipping Agency Act No 13 of 2002 (Cap 415 RE of 2002), Inland Water Transport Act (Cap 172 RE 2002), Surface Marine Transport Regulatory Authority Act No 9 of 2001 (Cap 413 RE 2002) –SUMATRA, and Transport Licensing Act No 1 of 1972 (Cap 317 RE 2002).

Due to the multitude of regulatory authorities in the transport sector and their attendant laws, a number of challenges have been raised by members of the business community as bottlenecks to the businesses operating either in or dependent on the transport sector. This subsection presents a discussion of these challenges, with a specific focus on the air and road sub-sectors. Attention to these sub-sectors was influenced by a number of factors. On one hand road transport is the most widely used form of transport in Tanzania, carrying over 90% of the passengers and 75% of the freight traffic in the country, while the Tanzanian marine ports handle more than 95 percent of the country's total exports and imports (CTI,2016; TPA statistics, 2013). On the other hand air transport is highly regulated by the international standards. Yet, whenever applicable all specific challenges pertaining to the air and railway sub-sector are presented and discussed.

#### Regulatory Challenges

Tanzania's road network currently comprises of 86,472 km of roads in the formal inventory (AfDB, 2016). While the TANROADS is responsible for the trunk and regional roads (33,891 km long), the districts, urban and feeder roads (52,581 km long) are governed by the LGAs through Tanzania Rural and Urban Road Agency (TARURA).

Major investors in the road transportation sub-sector comprise of (potential) owners and operators of passenger buses and trucks coordinated under their umbrella organizations namely the Tanzania Bus Owners Association (TABOA) and Tanzania Trucks Owners Association (TATOA), respectively.

The following are major challenges facing the business environment operations in this sub-sector alongside their governing regulations, responsible regulatory authorities and recommended measures to improve the business environment in the sub-sector:

#### **i. Non-standardized LGAs by laws governing Roads**

As prescribed in the laws establishing LGAs, LGAs have the power to make by-laws which may prescribe reasonable fees, charges, tariffs or other charges relating to any license, permit or document granted. In several cases however, most of the by-laws do not state the procedures and fees associated with a particular permit. In cases where these are provided, procedures and fees for the same permit/license vary across the LGAs. The inconsistency in the by-laws causes significant disturbances and costs to truck and bus drivers operating across various LGAs.

Truck operators passing through different LGAs experience different treatments when it comes to getting the permits to use roads under the LGAs (i.e. district and feeder roads not operated by TANROADS). Also, several LGAs by-laws neither state the amount to be paid for the permit nor the procedure to obtain it. On the other hand, truck drivers on cross-country trips have to deal with similar permits in each LGA they pass through, leading to wastage of time and incurring of additional costs in fees.

#### **Recommendations**

- LGAs by-laws need to specify the exact amount of fee associated with the permit. The Minister responsible for LGAs should enact Regulations setting a fee range within which all LGAs' fees will fall.
- Create a one-window facility where there will be issued single permits to be used across the LGAs: Truck owner should apply for a single permit which states that all LGAs are covered by the route. The respective LGAs can then share the fee as per their respective by-laws.

#### **ii. Regulations Governing Transportation of Forest Products on Transit**

The Tanzania Forest Service (TFS) is an Executive Agency established under the Executive Agencies Act. Among other functions, TFS issues permit to transport forestry products (i.e. Transit pass for forest produce from harvesting areas to the markets; and Export certificate permit given to a dealer who intends to export forest produce) with a condition which prohibits transportation of the forest products past 18:00 pm.

However, TRA requirements for the goods that are on transit is that the trucks should report at every earmarked station on the stipulated time (which could sometime be beyond 18:00hrs). While trying to comply with the TFSA requirements trucks end up breaching the TRA requirement leading to payment of penalties.

#### **Recommendation**

- Harmonize the TRA and TFS Regulations to remove the identified contradictions. Either TRA should relax its regulatory condition for such types of cargo (forestry products) or TFS should drop the prohibition against transportation of forestry products past 18:00 hrs.

#### **iii. Fees for transporting Chemicals**

The Government Chemist Laboratory agency is mandated by the industrial and consumer chemicals (Management and Control) Act (2003) to regulate the production, importation, exportation, transportation, storage and dealing in chemicals.

When it comes to the transportation of chemicals the GCLA issues a relevant certificate accompanied by a fee (i.e. chemical transportation certificate). Recently, the agency changed the system of charging the fee associated with chemical transportation certificate from the fixed amount of 100 US Dollars per consignment regardless of the

quantity, to 1 US Dollars per each ton of chemicals. This has led to a significant increase in the cost of acquiring the transportation certificate by truck owners and operators. For example, a certificate to transport a consignment of 1000 tons of chemicals would cost only USD 100 in the previous charging system but with the current system it will cost USD 1000 (i.e. 10 times higher).

#### **Recommendation**

- GCLA to revise the fee calculation formula to lower the compliance costs associated with chemical transportation certificate. Overly large fees for the chemical transportation certificate translate into a relatively higher transportation and logistics costs in Tanzania (for chemicals on transit) compared to the applicable rates in neighboring ports (e.g. Mombasa), making the Tanzania transport sector in general less competitive.

#### **iv. Overlapping mandates among LGAs, Ministry of Agriculture and TFDA in the provision to permits to transport food products (E.g. milk transportation permit)**

While the Tanzania Food, Drugs and Cosmetics (Meat Transportation) Regulations (2006) mandate TFDA to inspect and certify vehicles for transporting meat, some LGA by-laws and the Tanzania Meat Board (TMB) under the MALF are mandated through the Animal Diseases Act No 17 of 2003 to charge the meat transportation fee as well as inspect the same vehicles. The practice duplicates the exercise and fees to the responsible business community and is accompanied with so many ad-hoc and uncoordinated inspections and fees, which are costly both financially and in terms of time.

#### **Recommendation**

- TFDA should just set the required standards for the meat transportation vehicles and leave their enforcement to the Meat Board. The latter would issue meat transportation certification and inspect the vehicles.

#### **v. Unpredictable Variation of weighing results across various weighing stations**

The review noted complaints from some stakeholders that different weighing stations would give different weights for root and tuber crops. The concern is that variation in the weights of parked foodstuffs due to natural phenomenon (e.g. changes in moisture contents of tubers) is not recognized by WMA officials. WMA argue that the concerns are not founded on scientific evidence. This gives rise to penalties and charges to the truck owners, causing significant delays in cargo delivery and, consequently, loss of competitiveness.

#### **Recommendation**

- It appears that the issue could be resolved by carrying our effective awareness on the WMA allowable variations in weights. WMA should provide a weight band to allow flexibility.

#### **vi. Contradictions on Safety Requirements for Public Transport Vehicles**

It was noted that TRA allows importation of the LHD vehicles and collects relevant taxes and fees from the vehicle owners. However, TBS and SUMATRA technical safety standards require that the driving wheel of the vehicle be on the right hand side for it to be eligible for authorization to conduct business. Consequently, investors who have already purchased the LHD buses and adhered to all TRA get stuck when they arrive at TBS and SUMATRA.

#### **Recommendation**

- Harmonize the safety and quality requirements by TBS, TRA and SUMATRA such that the requirements for importation and operation of commercial public transport vehicles are consistent across the three regulators.

### **vii. Differences in Requirements at Regional Level.**

It has also been noted that there are several cases when domestic Regulations conflict with those of other countries, thus negatively affecting cross-border transport business. A good example cited is that relating to the TBS and SUMATRA technical and safety rules which stipulate that the length of the passenger buses operating in Tanzania not to exceed 12.5 meters due to its limiting infrastructure while Regulations in other countries allow much longer buses (eg. 13.5 meters in Zambia). This causes challenges for bus owners and operators in Tanzania who seek to forge partnerships with businesses operating in other countries country.

Another example that is often cited relates to the restriction of bus movements at night (i.e. beyond the 12 hours of day time) in Tanzania while, in Zambia (and Kenya) buses operate throughout 24 hours. While the original motive of the restriction in Tanzania was partly to enhance safety and security of buses and passengers, TABOA feels that there has been a contradictory effect. Almost all buses are currently forced to depart at the bus terminal and compete to arrive at established stops within the authorized time frame, while constrained by heavy road traffic. For example, 250-350 buses depart daily from Ubungu bus terminal, the majority leaving in the morning hours.

#### **Recommendation**

- In the long run, there is a need to make concerted efforts to harmonize regional transport regulations

### **viii. Multiplicity of Fees at different LGAs**

Bus owners are required by LGAs by-laws to pay varying amounts of fees for using particular bus stands/stops/parking lots as well as roads managed by LGAs. There is a feeling among stakeholders that the amount of these fees and time taken in complying with such requirement is enormous. For example, TABOA representative has stated that a bus that leaves Dar es Salaam for Bukoba passes through a number of LGAs and pays a total of TZS 48,000 per trip just on the stand-use fees. This is equivalent to TZS 7,500,000 per year per bus (with an assumption that one bus makes only 13 one-way trips a month). In addition, it is not entirely clear, among bus owners, where the trunk and regional roads (governed by the TANROADS) end and where those under LGAs begin.

#### **Recommendation**

- Put in place a coordinated fee payment system such that bus owner can pay the entire amount of fee at the starting point of the journey to receive a stand/stop usage permit that stipulates all the stops that the bus is eligible to use along the route. The fees can then be shared across the relevant LGAs as appropriate.

### **ix. Charges/Fines for Transporting Dangerous items and Undocumented Immigrants**

Law enforcers, e.g. police force and immigration authorities prohibit buses from carrying dangerous items such as weapons and undocumented immigrants. At the present, breach of the regulation (by the passenger) subjects the bus owners to a penalty of TZS 600,000 per weapon found in the bus. Yet, bus operators argue that they are not legally empowered to inspect passengers' luggage. Moreover, there are no modern facilities to screen the luggage at most bus terminals in the country. On the other hand, immigration officers are absent at the beginning of the journey to inspect the citizenship status of the passengers as done at the airports. Yet the bus operators are not trained and authorized to handle such immigration issues.

Consequently, the bus owners end up being charged penalties for things that they totally have no control of.

#### **Recommendation**

- Amend the Regulations such that the penalty/legal charges fall on the passenger found with dangerous weapons rather than holding the bus owners responsible.

#### **x. Coordinating Inspection Procedures**

Weighing points, Police force, TANROADS officers, SUMATRA officers, LGAs, etc. inspect a fleet at different points of the journey for different requirements. Even though the penalties are stipulated in the legislation, in most cases punishment standards are arbitrary and seemingly unfair to the bus owners as they depend on the officer in charge at the checkpoint.

#### **xi. Import Duty for Buses**

The import duty charged to the imported buses significantly increases the investment costs in the sector compared to that in other countries like South Africa who have exempted buses from such charges.

#### **xii. Multiplicity of Regulators at Ports, duplicity of charges and rates of charges**

Investors involved in either importing or exporting commodities have to go through a multiplicity of regulators who inspect more or less the same things while each charges some fees. In most cases, a representative investor will have to (separately) go through more than half of these regulatory bodies just at the port. This consumes significant amount of time and financial resources for the investors. To those in the transport sector, this multiplicities of regulators delays cargo departure from the port whether for export or imports resulting indirect and indirect costs associated with the delay (e.g. trucks do relatively fewer “off-loading” trips in a week).

According to a situational analysis report by the Confederation of Tanzania Industries, CTI (2016; 2014), there are at least 10 regulatory agencies associated with at least 16 different charges at the Dar es Salaam Port. These include TRA, SUMATRA, TFDA, Weights and Measures, Railway transporters (TAZARA and TRL), TBS, Several ministerial departments, Tanzania Radiation Commission and the Chief government Chemist. Poor coordination of port agencies coupled with non-transparency and complexity of administrative procedures undermines Tanzania’s and the region’s trade potential.

#### **Recommendations**

- Formulate a one-stop-shop (preferably an online system) where the relevant investors can “meet” all regulators, process the required permits and do all payments at one place. The experience of TPA can be used: TPA in collaborations with USAID have already established a facility which to which the majority (but not all) of the regulators are hosted into (see TPA Cargo clearance guideline, 2017)
- Pull off from the regulatory chain some of the regulators playing exactly the same role as others out, for example in connection with importation of sugar.

#### **xiii. • Wharfage Charges for Cargo by TPA**

According to the TPA regulations, as also stipulated in the TPA tariff book (2013), TPA charges wharfage fees based on ad valorem system on most imports and exports (note the to some items, either weight or volume or size system is used). This makes the total fee payable to Dar es Salaam Port relatively higher compared to the rate used by its competitor, Mombasa Port, which charges wharfage based only on the volume and weight system. The wharfage costs amount up to 12.8% of production cost and up to 40% of total freight charges (CTI,2016), especially to new industries in the sectors. This increases the burden to industries in Tanzania but also makes the port less competitive. This may result in a relatively less cargo on transit at the port, which further affects negatively the investors in the transport sector.

#### **Recommendation**

- Amend the TPA Regulations to adopt and consistently apply either the weight or volume or size charging system of wharfage to all the imports and exports.

**xiv. Licensing and Registering Clearing and Forwarding Agents by TRA and SUMATRA.**

TRA issues licenses to Clearing and Forwarding agents through the Commissioner for Customs & Excise Department. The first time applicants are required to submit at least 10 supporting documents which require a tedious process to obtain. Yet, the same licensed agents need to be registered by SUMATRA before the start of the operation. The registration process also requires submission of several supporting documents, some of which are very similar to those submitted for licensing. This unnecessarily duplicates the process and consumes much time and financial resources (i.e. compliance costs).

**Recommendation**

- Enhance the coordination system between TRA and SUMATRA through an online application system. TRA could handle licensing process and share the list of licensed agents with SUMATRA for registration. SUMATRA should recognize the TRA license as sufficient for registration and retrieve all other documents from the TRA client's account.

**xv. Issuance of Debit Notes, Certificate of Conformity (C.O.C) and Inspection.**

According to Tanzania Freight Forwarders Association (TAFFA), it usually takes unnecessarily long between lodging for and actual issuance of debit notes by the TBS. Even after the payment is made there is often further delay in issuing receipts. Similarly, it takes approximately one week between the lodging of C.O.C and its release. When it comes to TBS staff, there is a general experience that the TBS staffs are never available at the ICD's offices. This forces the Clearing and Forwarding agents to look for them. All these consume much time and financial resources to clear the cargo from the Port, making Tanzania's Ports, especially the Dar es Salaam port less competitive compared to those in the neighboring countries like Mombasa and Beira.



### 3.4.4. Construction Sector

This is an important sector and one of the fastest growing sectors in Tanzania. According to the Second Five Year Development Programme (FYDP II), 2016/2017 – 2020/2021 gross value of annual investment into the construction industry has been about TZS 4 trillion in FYDP I period and the sector's contribution to GDP increased from 7.8 percent in 2010 to 12.5 percent in 2014 and further to 12.7 percent in 2015. This growth is attributed to an increase in construction and rehabilitation activities of roads and bridges and a number of other infrastructures, including the Dar es Salaam Bus Rapid Transport System and the construction of airports, as well as residential buildings.

On the other hand, this sector is predominately foreign dominated in value terms. It has been reported in the FYDP II that registered foreign contractors constituted less than 4% of all the registered contractors but they accounted for over 60% in value terms.

#### Construction Work(s)

Section 3 of the Public Procurement Act 2011 (PPA 2011) provides that works are both goods and services whose end product, specifically in the construction work, is a physical object being a building or road which is made up of so many materials such as concrete, steel, cement, timber, electricity, liquid (such as water) of gaseous form, etc. There is also a portion of services such as consultancy services and incidental services (both regarded as intangible assets and intellectual property that do not lead to a measurable physical output). The services include design, supervision, training, advisory, auditing, software development and similar services provided in performance of the works. However, the services incidentals to the supply of the goods are part of the goods themselves provided that the value of the services does not exceed the value of the goods.

It is notable that the construction industry is regulated by a number of regulatory bodies within the sector and specific sectoral regulatory bodies in addition to those cross cutting regulatory institutions. It is in this regard that the sector has faced challenges that have noticeable effects on the business environment.

#### i. Multiple Regulatory bodies and Registration of Contractors

Before undertaking any construction work, a limited firm must be registered with the Business Regulatory Licensing Agency (BRELA), in accordance with the Business Activities Registration Act where the firm will be issued with a Certificate of Incorporation. For partnership as well as sole proprietor firms they get name registration. At the same time, architects and engineers in that firm must be registered by their respective Boards. In the case of architects and quantity surveyors, they must be registered with the Architects and Quantity Surveyors Registration Board (AQRB), which is mandated by the Architect and Quantity Surveyors (Registration) Act, No.4 of 2010, and engineers must be registered with the Engineering Registration Board (ERB) under the Engineers Registration Act, No. 15 of 1997 (Ap.63). On the other hand, the Contractors Registration Board (CRB) is a body which registers contractors in seven categories depending on their competence. For a contractor to be registered with CRB he/she must be a member of either AQRB or ERB. The National Construction Council (NCC) is an advocacy association for the sector. Its main duties are research and development (R&D), training and keeping statistics. There is also the Tanzania Civil Engineering Contractors Association (TACECA), which is basically a watchdog, advancing interests of civil engineering contractors in the country in accordance with the Contractors Registration Act, 1997. Other watchdog associations are ACCT and CATA.

On the validity of the licenses or permits the time span of validity differs depending on the Board's regulations. For engineers regulated by ERB the validity of certificate is 3 years, but fees are paid annually, whereas certificates issued by CRB are perpetual. Stakeholders have lamented on delays in approval processes, which result in delays in the execution of some construction works. For example, they note that it takes a minimum of 120 days for an architect or surveyor to be registered.

Our analysis has established that indeed, apart from the presence of multiple of regulatory bodies, the problem of delays in the approval process is real and significant. Delays in registering individuals and firms partly result from the fact that boards meetings are held on specified time intervals in a year. In the case of architects the Board sits 4 times a year, and in the case of engineers it takes 120 days to be registered. This duration discourages many would be professionals. Such cases have for instance been noted with the Architects and Quantity Surveyors Registration Board (AQRB) and the Engineering Registration Board (ERB).

The requirement of yearly renewal with fee payment for some certificates/licenses/ does not promote efficiency. It would be reasonable to extend the validity of the licenses beyond one year as this will enhance efficiency in the registration process. The duration adopted in the case of driving licenses is worth emulating.

### Recommendations

- Reduce the time taken to register an individual professional or a firm. In addition, statutory measures should be taken to cut down the time duration for registering architects and quantity surveyor from 120 days to 60 days. This implies a review of *The Architects and Quantity Surveyors (Registration) Act, 2010*.
- Harmonize the validity period of certificates and licenses for practitioners in the sector.
- Introduce one regulatory body – the Construction Industry Development Board –, which will host CRB, ERB, and AQRB as departments in order to enhance coordination and improve efficiency.

### ii. Multiplicity and Conflicting Mandates

Registering and/or operating a business require several permits and certificates from various regulatory bodies. For example, according to the Contractors Registration Act of 1997, every contractor (local or foreign) must register with the Contractors Registration Board (CRB) in accordance with the types of contractors (building contractors, civil works contractors, electrical contractors, mechanical contractors, and specialist contractors), before entering into any contract. This is also the case with compliance enforcement as the authority issuing a permit or certificate is required to monitor compliance.

Before starting actual work of construction the permits or certificates or approvals listed below must be obtained. The same requirements apply to the contractor for the construction of a school, hospital, hotel, petrol station, etc., except for item (ix) below. Therefore, requirements for constructing a school, for example, will not differ much with requirements for constructing a hospital or a hotel. The only difference will be on the additional sector specific regulatory bodies. For example, to construct a school building a contractor will need to have the following licenses, permits, certificates, or any other approval from a mandated before starting construction work:-

- i. Building permit from LGA in accordance with Urban Planning Act;
- ii. Environmental Impact Assessment Certificate issued by NEMC as provided for in the Environmental Management Act;
- iii. Approval of the design of a building from the Architects and Quantity Surveyors Board (AQRB) as stipulated in the Architects and Quantity Surveyors (Registration) Act. No. 4 of 2010 and Architects and Quantity Surveyors By-Laws 2015 (GN No. 377) of 2015;
- iv. Approval of the engineering and technical standards by the Engineers Registration Board in accordance with Engineers Registration Act No. 15 of 1997 (Ap.63), Regulation 4(4) GN. No. 25/35 of January 29, 2010 and GN No. 266 of September 6, 2013);

- v. Approval from EWURA, through TANESCO and Water Management Authorities, in terms of electricity and water including sanitation to ensure proper installation and utilization of those utilities (Energy and Water Utilities Regulatory Authority Act, Cap. 414);
- vi. Assurance of Health and Safety issues by OSHA (on human resource) and FIRE brigade (on part of building, equipment and facilities);
- vii. Certification by Standards regulatory bodies such as Tanzania Bureau of Standards (TBS) in accordance with Standards Act No. 2 of 2009
- viii. Weight and Measures Agency (WMA) in accordance with Weight and Measures Act, 2016;
- ix. Certification by Sector specific regulatory bodies to ensure compliance with building standards ; and
- x. TRA must also ensure that taxes of all building materials, utilities and equipment have been paid.

After construction work has been completed, almost all the regulators mentioned in item (ii) above will conduct inspection, at the day and time of their own choice to ensure compliance. This means, there is no coordination in executing this noble task, leading to time wastage on the part of the entrepreneur. This is an inefficient way of conducting inspection as it makes transaction cost high for both the regulator and entrepreneur. This translates to high cost of compliance which would ultimately be paid for by the consumer.

### **Recommendations**

The process of registering and operating a construction company is costly in terms of time and money spent as efforts are duplicated by each institution issuing a permit/certificate/approval for the same project, say constructing an office block for renting purposes. Hence, there is a need to have one institution which will have the duty of coordinating other relevant institutions in the process of registering and operating a business and inspecting compliance. This can be done by putting in place one document to be used by all institutions and by setting specific time duration for each institution check the filled document. A specified time should then be set for a joint approval meeting by all responsible institutions. It is therefore recommended that:

- A single body be created which will coordinate, under one roof, all the activities undertaken by other bodies such as the CRB, AQRB, ERB, EWURA, OSHA, Fire and LGAs. This would help avoid duplication and multiplicity of institutions involved. The task will require reviewing the legal mandates of all the responsible institutions.

### **iii. High taxes, fees and other charges charged by the Tanzania Revenue Authority (TRA)**

Every institution, save for the TRA, has a mandatory charge for the duties they execute which the owner of the building or the contractor, depending on the contract, has to pay. However, from the perspective of the contractors the taxes and fees related to the Tanzania Revenue Authority are the ones perceived as burdensome to the business.

Below is a list of the major items which have been identified as burdensome to stakeholders in the construction industry.

### Summary of Major Taxes and Tax Administration claimed to be Imposing a Burden to the Sector

S/N	Tax and other charges and applicable law	Tax Law and Administration Issue, and other issues
1	Corporate Tax  Income Tax Act, 2004 (as revised)	Income Tax loss period is limited to 3 years, thereafter the turnover is taxed regardless of whether the corporation made a loss or not. In the construction sector, companies go for extended number of years as loss -making entities before realizing profits. It follows therefore that construction companies face heavy taxation on turnover rather than income.  Provisional Tax: If profit exceeds 20% of provisional tax estimate, a penalty is imposed. However, it may happen that a construction company wins a contract that pushes its profits beyond the 20% of the estimate. If this happens, the company will be penalized and this is unfair.
2	Value Added Tax (VAT)  VAT Act, 1997 (as revised)	Application of Credits: Clearing a credit takes a long time as it is cumbersome and bureaucratic because it needs audit of accounts to verify. Furthermore the timeframe allowed for clearing credits is short and requires review. In Zanzibar, it takes only one month for credit to be cleared.  VAT payment is required for every monthly certificate retention amount (from 5% - 10%).  TRA do not allow VAT exemptions to cover all sub-contractors.
3	Withholding Tax (WHT)  Income Tax Act, 2004 (as revised)	There are administrative problems in getting WHT certificates when payment is by e-transfer, particularly when e-transfer involves multiple payments.  Contractors are deemed to be service providers and are liable for 5% WHT. However, Contractors argue that they are not service providers but similar to manufacturers and that they deliver tangible goods such as roads, buildings, bridges, etc. For the Mining Contracts a 5% WHT is charged on total invoice and this is supposed to be final tax – but in practice this is not the case.
4	Spare Parts for Capital Goods  EACCM Act, 2004 (as revised – Common External Tariff (CET))	Spare parts importation attracts 25% customs duty, (for example, . importation of parts for a heavy duty vehicle engine attracts 25% duty whereas if a whole engine is imported it is categorized as capital goods with less or no duty).
5	Pre – Shipment Verification Conformity (PVOC) Standards Act No. 2 of 2009	The 15% penalty on FOB price for imports that have not undergone PVOC is high. There is need to streamline PVOC inspection and review its application and the fine.
6	Tax Exemptions for Capital Investment  Income Tax Act, 2004 (as revised)	Tax exemptions on TIC approved construction project lead to unfair competition in the domestic market. For example, an imported steel structure is deemed to be a capital good under TIC and gets tax exemption on importation whereas a local contractor who is not within TIC setting purchasing the same steel structure locally from a manufacturer will pay a higher price due for the same steel structure because tax exemption will not apply.
7	Mining Development Agreements and Special Provisions for Agricultural Investments  Income Tax Act, 2004 (as revised)	These agreements and provisions provide special reliefs to capital investments in the mining and agriculture sector. However, the nature of mining and agriculture activities, such as land clearance, removal of arthfill and related works of civil nature, and the types of equipment used such as excavators, dumptrucks and bulldozers, is very similar to construction activities. This often leads to unfair competitive advantage to beneficiaries of the special reliefs against those who do not enjoy the same.
8	Off – set Taxes across different taxes  Income Tax 2004 (as revised)	At present, off - setting of taxes across different taxes is not allowed. This is a heavy burden to contractors whose tax payments involves large sums of money. A big tax credit could be on one taxable item (e.g. VAT) and a tax liability exists on another taxable item (e.g. Corporate tax), but off - setting between the two is not allowed. This puts the companies in financial strain and cashflow problems.
9	Financial condition for Tax Appeal  Income Tax, 2004 (as revised)	If there is dispute on the payable tax payable, a 1/3 <sup>rd</sup> of the contested tax is required to be paid if a taxpayer wants to appeal. To contractors this implies a big amount as most tax disputes involve large sums of money.
10	Sudden changes in Tax laws and rates  Income Tax, 2004 (as revised)	Contractors often work on long - term contracts spanning for many years. Sudden changes in tax laws and tax rates have serious impact on contracts that are underway. For example change on import taxes, labor laws, etc., will have severe negative impact to the contractors.
11	Local Government and Regulatory Authorities	Local taxes and Regulatory Authorities' fees and requirements constitute the most nuisance taxes which make the construction sector a difficult sector to operate in.

Source: TACECA Tax Harmonization Study Report, 2014

## Recommendations

- In view of the challenges mentioned above, it is recommended that:
- With regard to corporate tax, allow loss to be carried forward to more than 3 years, as is the case in the agriculture sector;
- On VAT and tax administration, harmonize VAT administration between the Mainland and Zanzibar as they have the same administrative procedures. Likewise, harmonize VAT credit clearance on the Mainland and in Zanzibar. Harmonization is also needed in the area of penalty on understated provisional profits, which is currently charged on total profit on the Mainland while in Zanzibar it is based on excess profit;
- Review Tax appeal requirements for which the appellant is required to deposit 1/3rd of the total tax in dispute. This is because in the construction industry huge sums of money are involved, hence deposit will also be huge thereby constraining operation of the industry.

The recommendations mentioned above call for the review of the Income Tax Act, 2014 and VAT Act, 1997.

### iv. The contentious consulting and withholding taxes of 5 percent

Withholding tax is applicable to employment income, investment returns (rent, interest, dividend, natural resource payment and royalty), service fee, insurance premium, money transfer commission and on goods supplied to the government or to public institutions which are wholly financed by the government.

Section 83(1) (c) of the Income Tax Act, 2004 (ITA 2004) requires a resident person who pays to a resident or non-resident a service fee with a source in the United Republic to withhold income tax from the payment at the rate provided for in paragraph 4(c) of the First Schedule.

Paragraph 4(c) (iii) of the First Schedule provides for income tax to be withheld at the rate of, in the case of service fees referred to in Section 83 (1) (c), 5 per cent for a resident and 15 per cent for a non-resident.

Paragraph 5.1.2.1 of Practice Note -PN 01/2013 states as follows:

“The payment subject to withholding tax under this Practice Note is for service rendered by the recipient of the payment through a business of that person or a business of any other person. The service fee should be for the provision of professional or consultancy services or other services such services of an independent business character i.e. other than remuneration for employment. The services include scientific, literary, artistic, educational or training activities as well as activities of physicians, surgeon, lawyers, engineers, architects, surveyors, dentists, accountants and auditors.”

Contractors further argue that construction work is a physical object being a building or road which is made up of so many materials such as concrete, steel and cement just to mention a few. WHT on local service fee is only applicable to services of professional or consultancy nature which are not listed under the exclusion list on paragraph 5.2.1.3 of the PN 01/2013. The component of the service offered by the contractor during performance of the works is not professional service but rather labor necessary for execution of the work, and works in entirety are more of goods than services. The component of service within construction work is auxiliary to the materials supplied and included in the total contract sum. Similar to the payments made to manufacturers and utility corporations, payments made to contractors should not be subjected to withholding tax or service fee even where there is no separation of service component from the contract sum.

### ***The best practice***

In the manufacturing industry, for example, the manufacturer converts raw materials into finished products. In the production process (converting raw materials), machinery and labor are used to ensure production of quality product.

The labor used is mainly in the form of employees (who offer both professional and non-professional services) from whose salaries the manufacturer deducts PAYE. There may also cases where the manufacturer contracts a consultant or specialist to provide specified services needed by the manufacturer. In both cases, the labor/service component is always built up in the cost of the products produced. Stakeholders argue that it is practically difficult for the manufacturer to split the service component from the price of the product so that withholding tax may be applied to it.

For services offered by employees, the manufacturer deducts PAYE while for services offered by consultants the manufacturer deducts withholding tax from their payment. There is thus no obligation for the manufacturer to split the service component from the price of the product; and withholding tax is not applied on the price of the product in the absence of the split.

According to TACECA, the described scenario is similar to the activities of the contractor, in that the contractor is required to produce a physical end product being a building, road or bridge by converting materials. The labor component is mainly provided by employees or casual laborers whose tax obligations are administered through PAYE and withholding tax, respectively. In cases where the contractor obtains professional services from engineers, architects, technicians or quantity surveyors, the respective payments from the contractor to the consultants are subjected to withholding tax. There should therefore be no obligation for the contractor (similar to manufacturers) to split the service component from the contract sum; and withholding tax should not apply to the contract sum in the absence of the split.

Another example is in the utility industry; energy and water to be exact. TANESCO, for example, has three core functions namely generation, transmission and distribution of electrical power. All these three functions are, by nature, services; and activities within these functions are predominantly professional services ranging from activities of engineers, technicians and the like. However the end product (which is power/electricity) is described as a good for the purpose of application of withholding tax on service fee (refer to paragraph 5.1.1 of PN 01/2013). The comment given on the footnote to this paragraph show that water and electricity are not non-transferable which is one of the key qualifications for any service to be classified as “goods”, and therefore not subject to withholding tax obligations under services.

Contractors therefore argue that the above scenarios demonstrate that all service components associated with the supply of water and electricity are not relevant just because the end product is transferable. Application of withholding tax is however not only a matter of whether there is a service component in that supply or not. Understanding of the nature of the whole supply chain, including the end product is key.

Contractors are deemed to be service providers and are liable to 5% WHT. However, construction works are more of goods than services. WHT should only apply to payments made to the outsourced sub-contractors/consultants (e.g., consulting engineer, architect or quantity surveyor) by the contractor, and not to the payments made by clients to contractors. The roles of the contractor and nature of construction work is very different from the general perception of professional services.

### **Recommendations**

- WHT should not apply to construction work.
- Amend the Income Tax Act (ITA), 2004 so that WHT to exclude contractors.



### 3.3.5. The Mining Sector and Mineral Processing

Mining activities in Tanzania are regulated by the Minerals Division in the Ministry of Energy and Minerals (MEM). The Division is responsible for developing and regulating the Minerals sector of the country. Its activities include promoting the sector; granting licenses; permitting and authorizing issues related to explosive, mineral trading, mine installations, mineral exports and imports, exploration, mining and mineral processing. It is also required to provide support to small-scale miners. In Tanzania, mining licenses are issued in four broad mineral rights categories:

- Prospecting (prospecting license and retention license);
- Exploiting (special mining license, which is applicable for investments not less than 100 million USD, Mining license for USD 100,000 to 100 million investments, Primary Mining License (for Tanzania but limited to investment of up to USD 5 million granted only to Tanzanians);
- Trading (broker license only for locals, and dealer license, which allows for importation and export); and
- Processing (smelting license, other mining processes i.e. smelting and refinery).

When it comes to payments, mining companies are subjected to the following broad payments: Royalty (Gold – 4% and Gemstones - 5%), which is sector specific; and Taxes: Corporate Income Tax (30%); Withholding tax on non-residents for service fees (15%); Employment tax rate 30%(Max.); VAT on export (0%); Custom & Imports Duties on capital goods (0%) which apply to all sectors. Like other businesses, they are also subject to LGA levies.

#### Laws Regulating the Mining Sector

The Mining Act, 2010 and the Explosives Act, 1963 guide the Mineral sector in the country. The Mining Act, 2010 sets out the legal framework governing mineral exploration, exploitation and marketing. It however does not apply to the exploration for or production of petroleum. The Explosive Act, 1963 sets out legal framework for importation, exportation, handling and application of explosives in mining activities. Regulations made under the two Acts have been made. These provide the additional legal framework for the mineral sector and cut across the mineral sub-sectors. These include:

- i. The Mining (Mineral Rights) Regulations, 2010
- ii. The Mining (Environmental Protection for Small Scale Mining) Regulations, 2010
- iii. The Mining (Safe Working and Occupational Health) Regulations, 2010
- iv. The Mining (Mineral Trading) Regulations, 2010
- v. The Mining (Radioactive Minerals) Regulations, 2010
- vi. The Mining (Mineral Beneficiation) Regulations, 2010
- vii. The Mining Development Agreement Model 2010
- viii. The Mining (Salt production and lodation) Regulations, 1999
- ix. The Merelani (Controlled Area) Regulations, 2002
- x. The Mining (Diamond Trading) Regulations, 2003
- xi. The Explosives Regulations, 1964

Other Regulations that are relevant to the Mineral Sector but made under other sector laws such as the Environmental Management Act, Forest Act and the Wildlife Conservation Act should not be lost sight of.

## Regulatory Issues

Generally, from legal point of view the laws and regulations guiding minerals sector of Tanzania are clear and there is no evidence of major contradictions. In most cases constraining issues arise in the administration and management of regulatory activities in the sector partly due to limited capacity in human resources. The following are issues of concern in the sector:

### i. Environmental Impact Assessment Process

As is the case with other business operations, mining activities are subject to Environmental Impact Assessment (EIA). In the process of application for a mining license, an applicant is required to obtain environmental clearance from NEMC. The concerns are on the duration it takes to get environmental clearance due to the prolonged EIA process. In some cases, businesses have to wait for more than one year before getting clearance on environmental aspects. There are concerns on NEMC discretion on the time it takes to obtain the EIA whereby some investors obtain EIA certificates in a period of less than one month, others take up to two years before obtaining the same. The concern is more on how the process is administered. Businesses are aware that Regulations on conserving environment are important but argue that processes need to be fast tracked to allow them plan their activities effectively. It is possible for NEMC to relegate some of its inspections/operating mandates related to mining to the commissioner for minerals in order to reduce some overlaps and duplication.

### Recommendation

- Improve the management of Environmental Impact Assessment process, including reduction of the time it takes; and also eliminate possible double standards in treatment/governance of investors.

### ii. Payment Requirements in Extracting Sand

There are many formal complaints from businesses in the sector on paying the LGA levy, particularly for large-scale miners. However, the complaints are more pronounced by businesspersons in the sand extraction sub-sector who are required to pay for license, royalty to the MEM and other fees charged by LGAs. Like in other sectors, e.g. agriculture, the issue of concern in the mining sector is on the variations in LGA fees as are guided by LGA specific by-laws. Also, there has been a concern from the exporters of Clinker for cement production. Their concerns are with regard to radioactive fees, which they must pay for each ton of clinker exported. The fee acts as an export tax, which erodes competitiveness of domestic producers and jeopardizes the exportation of the material.

### Recommendation

- Standardize LGA payments and the fees connected with activities in the mineral sector
- Review Regulations on radioactive fees subjected to the cement raw materials with the view to improving competitiveness.

### iii. Mining in Reserved Lands and Urban Areas

In areas where land is dedicated for purposes other than mining, a written consent of the responsible Minister is needed. Such land may include reserve land regulated under the Antiquities Act, National Park Act, Forest Act (for forest reserve), Wildlife Conservation Act (game reserves), and Ngorongoro Conservation Act. Further, for radioactive minerals, importers and exporters are guided by the Atomic Energy Act. Exploration and or extraction of minerals and gas in reserved lands (Game Reserves, National Forest Reserves). MEM issues exploration license to investors but before the investor can enter the reserved land he/she is required to apply for a permit from respective authority. However, mining activities are restricted in reserved land, which result in delays and increased cost to investors and institution. According to stakeholders, lack of coordination among regulators complicates matters. Also, the permit to carry out mining activities in urban areas attracts two land rents – one for mining licenses and the other for urban land.

### Recommendation

- Streamline the licensing process on reserve lands and in the urban areas.

### 3.3.6. Utilities -Water and Energy

Water and Energy are important and necessary elements in agriculture, tourism, construction, transport, communication and industries, among others. Hence, these two are cross-cutting sectors for which good performance of other sectors depends to a great extent. It is therefore important that these two are regulated effectively and efficiently for other sectors to perform well.

Both the water and energy sub-sectors are regulated on one hand by EWURA and on the other hand by their respective sectoral laws through regulatory bodies, such as DAWASCO (water issues for Dar es Salaam); TANESCO (for urban and electrification); Rural Electrification Board (for rural electrification); and Tanzania Petroleum Development Corporation (TPDC) (for petroleum and petroleum products).

The Energy and Water Utilities Regulatory Authority (EWURA) Act, Cap.414

Both the energy and water sub-sectors are regulated by the EWURA Act, Cap.414 by issuing a license called “Consumer Installation License, according to EWURA Act. On the other hand, petroleum and petroleum products sub-sector is regulated by the Petroleum Act, 2015 and the Petroleum (Consumer Installation Operations) Rules, 2011 GN.451.

Under the EWURA Act, the purpose and objective of the license issued under it is to ensure compliance of consumer installation facilities with national standards in terms of infrastructure in order to meet Health, Safety and Environment (HSE) standards. Fees charged for applications for licenses and license fees for petroleum products are:

(i) Application fees range from USD 200 – USD 1,000 for mining companies, depending on the size and type of business; (ii) License fees ranging from USD 1,000 – USD 10,000 for mining companies. A license is valid for 5 years; and (iii) USD 1,000 for farms and other commercial facility that have immovable equipment that need petroleum products (this fee includes application and license fees).

On the compliance issue, inspections are conducted once before granting a license, unless licensing requirements have not been met. Periodic inspections to ensure compliance are also conducted.

The major challenges which businesses face in these sub-sectors are in respect to the following:

#### i. Procedures and Conditions for Issuance of Licenses

Stakeholders have decried the lengthy procedures that must be followed in applying for water and electricity. The procedures entail (i) submission of complete application for license; (ii) conducting site inspection; (iii) preparation of an evaluation report; (iv) completion of approval process by respective Boards; (v) notification and collection of license.

In cases where the license applied for is for petroleum products, the procedures provided for by the Petroleum Act will apply. These include obtaining: (i) a permanent resident permit or employment permit and proof of residence or domicile in Tanzania in case of a non-Tanzanian; (ii) certified copies of the registration documents where the applicant is a body corporate; (iii) proof that the applicant is operating in any of the following activities: a commercial or industry undertaking, a government store, an agriculture firm, and a mine; (iv) a certified copy of the document setting out the outcome of an EIA study in an event that such a study has been conducted; and (v) a sworn or affirmed declaration that the applicant has, for a consecutive period of not less than three months prior to applying, been consuming more than 100,000 Liters of petroleum products per month.

**Recommendation**

- Simplify the process of licenses issuance through online processing, especially in the petroleum and petroleum products businesses to attract potential investors and businesses.

**ii. Multiplicity of Institutions in Monitoring and Inspection.**

It has also been noted that there is duplication in the monitoring and inspection activities performed by EWURA and other sector specific regulatory bodies. This is perceived as an inefficient way because a lot of productive time is spent by the business entity in attending to the regulatory officials.

**Recommendation**

- Introduce a jointly coordinated inspection by all responsible institutions. This is an administrative issue.

**iii. Lack of Knowledge by Entrepreneurs**

Stakeholders admitted that they lack knowledge on matters pertaining to procedures, regulations, and charges or fees applicable to licenses, permits or certificates. They noted that this is due to lack of publicity on the part of Regulators.

**Recommendation**

- Publicize necessary information with regard to issuance of permit/certificate/license, operation of a business and inspection processes and put in place awareness raising campaigns to stakeholders.

**Water sub-sector**

Water is a very critical resource for socio-economic development in any country. Water is used in the households and in economic activities in both rural and urban areas. Therefore, availability of adequate clean, safe and affordable water and sanitation services has impact on improving the standard of living of people as well as contributing to economic growth and environmental sustainability through ecosystems regenerations. Increase in human population, construction, industries, and other human activities demonstrates the need to properly manage water resources for extraction, distribution and usage.

It is from this background that proper systems are put in place to regulate and administer this scarce but important resource in accessing water supply and sanitation services in rural and urban households, industries and social amenities. As pointed out in the FYDP II, “aspirations of increasing water supply services for domestic, industrial, irrigation and other socio-economic needs have to be accompanied by increased investments in water sources and resources management in order to ensure that water resources are available and utilized in an environmentally sustainable manner”.

The following are major challenges facing entrepreneurs in the sub-sector together with their governing legal mandates and regulatory institutions, as well as recommendations for improving the business environment.

**i. Multiple Regulations and Certificates/Permits**

Water resource is regulated by a number of legal mandates for the purpose of managing, controlling utilization of, monitoring and regulating water resource. These are: The Water Resources Management Act, No. 11 of 2009 and Water Supply and Sanitation Act, No. 12 of 2009. Regulations made under the Water Resources Management Act are also relevant. These are:

- i. Water Abstraction, Use and Discharge Regulations, GN. No. 190 Of 2010;
- ii. Groundwater Regulations, GN. No. 219 of 2013;
- iii. Dam Safety Regulations, GN. No. 237 of 2013; and
- iv. Registration of WUA Regulation, GN. No. 22 of 2010.

There are also eleven certificates/permits that are issued under the law. These are:

- i. Certificate of the Creation of an Easement;
- ii. Grant of Temporary or Final water use permit;
- iii. Grant of Discharge permit;
- iv. Grant of permit to sink or enlarge a well or borehole;
- v. Grant of Groundwater Exploration License;
- vi. Grant of Drilling License;
- vii. Grant of Driller License;
- viii. Dam Construction Permit;
- ix. Tailings Dam Construction permit;
- x. Certificate of Dam registration; and

## **ii. Certificate of WUA Registration.**

Regulations made under the Water Supply and Sanitation Act No. 12 of 2009 are also relevant. The Registration of Community Owned Water Supply Organization Regulations, GN. No. 21 of 2010 is relevant in this regard in the sense that two important Certificates are issued under these. These are:

- Licensing of Authorities (Water Supply and Sanitation Authorities); and
- Certificate of Registration Community Owned Water Supply Organizations.

The issuing authority of these certificates and/or permits is the Ministry of Water and Irrigation. Specifically, the following directorates within the Ministry are responsible for issuance of the permits: Directorate of Water Resources; Basin Water Boards; Directorate of Rural Water Supply and Sanitation; and Directorate of Urban Water Supply and Sewerage. The applicable fees charged for issuance of the permit range from TZS 50,000 to TZS 300,000 depending on the use and amount of water. The permits are valid for a period of one year depending on the nature of the project or its use. Respective Basin Boards set the validity period.

The numerous legal instruments such as regulations from various institutions coupled with the hassle involved in obtaining other necessary documents from various authorities (e.g. EIA certificate, permit from LGAs, EWURA, etc.) have been noted to be a cause of confusion to some applicants, and hence cause delays in obtaining permits or certificates in time.

**Recommendation**

- Reduce the number of permits by combining or removing some of them. For example, a single form can be used for both water and electricity with the view to facilitating issuance of a single permit for both water and electricity. Alternatively, an LGA can coordinate this activity using a single document in which requirements for each institution are enumerated. This would also apply to the monitoring and inspection. Implementation will involve reviewing and revising some of the regulations in order to determine their necessity.

**iii. Approval Process in Issuing Permits/Certificates**

It has been noted that legal requirements for the approval of permit is 40 days. However, in practice, it may take more or less days depending on the boards meeting schedules and receipt of comments from stakeholders. Submission of Environmental Impact Assessment, feasibility study and detailed design are the documents that should be attached to the application. It takes a lot of time to obtain these documents.

**Recommendation**

- Reduce the time taken to process permits by: (i) liaise with LGAs in order to solicit quick and prompt feedback from stakeholders; (ii) Revise Board meeting schedules with the view to increasing the number of meetings. This measure can reduce the number of days to less than 40.

**Energy Sub-Sector**

Energy is recognized as a key factor for Tanzania's sustainable socio – economic development. Issues related to energy and environment such as renewable energy, energy saving technologies, clear energy development in the area of wind energy, bio-fuels, biogas, geo-thermal, and solar which are vital to environment management.

The most recognized type of energy in Tanzania is electricity whose production is increasingly being diversified towards the use of natural gas. According to the FYDP II, natural gas accounted for 34 percent of electricity production in 2015, a marked departure from the previous domination of hydroelectric power. There is certainly a need to undertake policy and operational reforms to support industrialization.

The principal sector specific legal instrument in the energy sub-sector is The Electricity Act, 2008. This Act provides for the facilitation and regulation of generation, transmission, transformation, distribution, supply and use of electric energy, to provide for cross-border trade in electricity and the planning and regulation of rural electrification and to provide for related matters. Apart from empowering the Minister to promote the development of the electricity sub-sector, including the development of indigenous energy resources, Section 4(2) of this Act provides that the Minister has also to coordinate emergency responses in close coordination with the "Authority".

The "Authority" in this case includes EWURA, which regulates this sector through the Energy and Water Utilities Regulatory Authority Act, Cap 414; Tanzania Electricity Supply Company (TANESCO) through their regulations and are responsible for urban electrification and national transmission lines; Rural Energy Agency which implements Rural Energy Act (REA) Act, No. 8 of 2005 through Rural Electrification Plan and Strategy; and Tanzania Petroleum Development Corporation (TPDC) through Petroleum Act, Cap. 392.

The major challenge in the sub-sector, the governing legal instruments and recommendations to improve business environment in the sub-sector are as follows:

### **Multiple Regulations and Certificates/Permits**

There are eight licenses that are issued under the Electricity Act, 2008. Section 8 (1) (a-h) provides a list of activities which need a license and Sect 8 (2) emphasizes the need for any person intending to conduct any of those activities listed above to have a license. The activities which should have a license are:

- i. generation;
- ii. transmission;
- iii. distribution;
- iv. supply;
- v. systems operation;
- vi. cross-border trade in electricity;
- vii. physical and financial trade in electricity; and
- viii. electrical installation.

On charges, Section 14 (7) emphasizes that the licensee has to pay license fees to the Authority pursuant to this Act and that of EWURA. The prices and charges are subject to tariff regulation (Section 23 (1)). It follows therefore that the licensee is at the mercy of at least these two Acts (for urban area electrification), apart from a number of regulations. On the other hand, if it is rural electrification, EWURA Act and REA Act are involved. The Petroleum Act and EWURA Act will be involved if the issue is petroleum or gas.

### **Recommendations**

- Put in place one-stop-center, operated through an online system, where an entrepreneur can be attended by all the regulators and where permits can be processed and fees collected.
- Prices and charges must stabilize for a longer periods. Predictability of availability of the energy resource at given stable prices and charges is critical for business.



### 3.3.7. Health Sector

The Tanzanian Private Health Sector has grown over the years. It currently provides at least 40% of the healthcare services in Tanzania through outlets of more than 2,000 health care facilities (Hospitals, Health Centers, and Dispensaries), over 900 Pharmacies and more than 8,000 Accredited Drugs Dispensing Outlets (ADDOS). Furthermore, 64% of all Mid Cadre Medical Training Colleges in Tanzania are private, and out of the nine universities offering higher medical training, six are private.

Besides the crosscutting regulatory frameworks (TBS, WMA, LGAs, etc.), the private health sector is subject to 2 health sector specific regulatory MDAs. A summary of some of the key regulators in the health sector and summary of private sector concerns on their respective regulatory roles and mandates follow henceforth:

**1. The Private Hospital Advisory Board (PHAB):** Established under Private Hospitals (Regulation) (Amendment) Act, 1991, the PHAB is an advisory body with limited power to enforce and monitor the performance of the operators in the sector. The Board leaves other actors to fill the enforcement and monitoring functions in a very duplicative and weakly coordinated manner. For example, despite the fact that a health facility is licensed after fulfilling all the requirements, there are other agencies which separately regulate laboratories in the hospitals. There is also a regulatory body for radiation to regulate the x-rays. At the same time, the Pharmacy Council regulates the pharmacy in the same health facility. In order to fulfill all the PHAB requirements, the registration process requires the clients to also go through BRELA, TCU (for authenticity of certificates of the professionals, etc.), and many others regulators. The key challenges faced by the health sub-sector are summarized in Box 3.2.

#### Box 3.2: Challenges facing Private business in the Health Sector

The PHAB's operations stifle the growth of private sector in the sector, as outline here:

- The Board sits on a quarterly basis and receives applications approved by the District Medical Officer and the Regional Medical Officer. It is alleged that approvals at this stage take some months.
- The applications approved by District Medical Officer and the Regional Medical Officer are submitted to the Board Secretariat for screening before presenting them to the Board.

The application process takes take between 3 to 6 months to go through the bureacracy. However, during all this time, the investor is required to have all the staff contracted (employed) and the premises fully furnished. Note however that the investor cannot start operating until after the Board has sat and approved the application.

**2. Traditional and Alternative Medicine Practice Council:** The Council is established by the Traditional and Alternative Medicines Act, 2002. It focuses mainly on regulating practitioners and some of their products. To be registered, practitioners need proof/certificate of having been trained in a recognized institutions. Registration is mandatory for both Tanzanian and non-Tanzanian doctors, and each group attracts different sets of registration fees. Fees are also distinguished according to rural and urban locations for Tanzanian practitioners. The Council works closely with TFDA, the body which is mandated to register some equipment (e.g. Chinese testing tool) and imported (alternative) medicine.

One of the challenges faced by business in the Traditional and Alternative Medicine sector relates to registration, which involves a multiplicity of agencies. For instance, local medicines are registered by this Board and by other different agencies (e.g. NIMRI, University, etc.). The registration process is complicated in terms of the procedures, which are, according to stakeholders, full of uncertainties. It has also been noted that putting traditional medicine and official medicine under the two different Boards could potentially be a source of detrimental overlap and conflict.

**3. Radiology Board:** This Board works closely with TFDA and TAIR and is responsible for registering radiology equipment. While TAIR and TFDA deal with equipment, the Board registers personnel/experts in radiology and related areas. Some overlaps and mandate conflicts have been noted between the Board on one hand and NACTE and TCU, on the other. It has also been noted that the Board charges high fees in order to finance its operations.

**4. Pharmacy Council:** This Council issues a number of permits, including for retail practices, premise registration and university operations among others. The Council works closely with TFDA and has recently delegated some of its duties to LGAs offices.

There is apparent conflict or duplication of roles between the Private Hospital Board and the Tanzania Pharmacy agency at the operational level due to weak coordination and overlapping mandates.

**5. Government Chemist Laboratory Agency (GCLA):** The agency registers all stakeholders in the chemical sector (manufacture and traders, exporters and importers, as well as users). In the course of doing this the agency issues certificates (full registration certificate-5 years and provisional certificate-2 years, each charged USD 200). GCLA offers 4 different permits: import permits (and charges 0.4 USD per ton), export permits (and charges 0.25 USD per ton), and transportation permits (and charges 1 USD per ton). The charges are considered to be on the high side. TFDA and GCLA usually work on different issues by definition of their respective mandates.

**6. Tanzania Food and Drug Authority (TFDA):** TFDA main role is to regulate food, cosmetics and medicine. There have been several complains on TFDA overlap with TBS in some procedures/inspections. For example on drinking water, TFDA inspects the product based on domestic standards offered by TBS and yet TBS regulates the same "client". To resolve this, TFDA and TBS have recently signed an MoU to minimize the level of overlaps. However, stakeholders view the MoU as only an interim measure while awaiting full review of their respective mandate and legally binding coordination between the two agencies.

**7. Private Health Laboratories Board (PHLB):** PHLB, established under the Private Health Laboratories Regulation Act 1997, is responsible for registering private laboratories (owned by private individuals, religious institutions, etc.) The main concern of the stakeholders with this Board is that its roles overlap with those of TFDA, Private Hospital Advisory Board, etc. particularly with respect to import permit for diagnostic and pharmacy equipment. The Board issues the following: (i) Permit to import health laboratory products/supplies for new technology trials/evaluation; (ii) Permit to operate as representative retailer/dealer for health laboratory and supplies; (iii) Permit for manufacture of health laboratory products and supplies; and (iv) Certificate for registration/re-registration of health laboratory facility.

Apart from overlap of mandates there are other concerns relating to fees charged by the Board, ranging from application fees and monitoring fees to quality assurance fees. The fees are considered to be relatively high and duplicative. For instance, for the group C laboratory (village level laboratory) a business is required to pay TZS 120,000 as application fees and TZS 70,000 as quality assurance fee (quality of equipment, buildings, etc. in relation to standards) upon which the private sector receives laboratory quality certificate.

Based on the discussions above, we summarize the regulatory issues in the health sector and the respective recommended solutions as follows:

#### **i. Processing Licenses and Permits:**

The procedures summarized in Box 3.2 cause unnecessary delays in obtaining the relevant permits/licenses to operate health facilities. It is noted that investors have to provide evidence of contracts with employees and premise owners before being issued with permits to operate facilities. Also they are required to pay the relevant fees at the bank, but are also required to travel all the way to Dar es Salaam to get official documents from the Ministry, including a receipt and the letter notifying them to start operations at their Centers.

## Recommendations

- Review the legal framework to allow temporary permits/licenses and decentralize decision making for those aspects that are still performed by the Ministry at the Headquarters.
- The legal review should consider the option to delegate some licensing mandates to the LGA level in order to improve access to the licensing process.

### ii. Administration of VAT

Although Medical Equipment and services, as per the present VAT Act, are tax exempt, businesses are required to pay VAT first and then claim a refund. It is claimed that the refund process is frustrating due to cumbersome procedures and delays.

#### Recommendation

- Streamline VAT administration to speed up the refund process and create a friendly taxation environment that will attract more direct foreign investment for infrastructural development and a robust hospitality and tourism industry to take advantage of international patients.

### iii. Overlapping and Conflicting Mandates

Like in other sectors, businesses in health sector face a multiplicity of regulatory agencies. For pharmaceutical imports/exports and manufacturing, the regulators also charge significant amount of fees. These included TFDA, PHLB, TBS, WMA TPA and Internal Container Depots (ICD). They also confront LGAs and NEMC. As noted above, these regulators have several overlaps, which could be reduced by coordination of their roles and functions. Specifically, the Pharmacy Council is inspecting and imposing fees for selling medical devices, while TFDA and other authorities have approved the same device, and relevant taxes have been paid to TRA and Local Councils. Also, after the registration of consumables with sector regulatory agencies, the Weights and Measurements Agency (WMA) also comes in to review products like syringes, vacuum containers, liquid containers, etc., adding to more charges, procedures and time wastage.

#### Recommendations

- Review the legal framework such that agencies mandated to regulate the sector take distinct regulatory roles according to their respective mandates.
- In the medium term, agencies with related mandates, e.g. PHLB and Private Health Laboratories Board could be put under one agency.

### iv. Fee Structures as Revenue Collection Instruments

Sector fees and those imposed by crosscutting agencies such as TBS are considered exorbitant and raise the cost of doing business. Also, the containers remain at the port attracting more storage costs as TBS test products from certified multinational companies/international brands.

#### Recommendation

- Rationalize the fee structure to reflect the costs of processing the documents required by laws.
- TBS and other inspection agencies should devise approaches, including strengthening the collaboration with other international bodies, in order to minimize test requirements for products from multinational companies and marketed worldwide brands.



### 3.3.8. Creative industry

The creative industry is one of the priority sectors in FYDP II and its growth is contingent on effectiveness of Regulations, which protects works of art and other intellectual property (IPRs, patents, copy rights, etc.) in order to attract and promote investment in the sector. The protection of the artistic and literary works is provided for in the Copyright and Neighboring Rights Act of 1999. The Act is under review in order to accommodate recent development in the sector. The process of amending the Act is rather slow; it started in 2009 and has not been finalized.

#### Regulatory issues in Creative Industry

The industry is regulated by the following Regulations made under the Copyright and Neighboring Rights Act of 1999.

- The Copyright and Neighboring Rights (Registration of Members and their Works) Regulations, 2005, Government Notice No.6 published on 20<sup>th</sup> January 2006.
- Copyright and Neighboring Rights (Production and Distribution of Sound and Audiovisual Recordings) Regulations, 2006, Government Notice No.18 published on 10<sup>th</sup> February 2006.
- The Copyright (Licensing of Public Performances and Broadcasting) Regulations, 2003, Government Notice No.328 published on 10<sup>th</sup> October 2003. The Copyright and Neighboring Rights (Licensing of Reproduction and Rental Rights) Regulation, 2014, Government Notice No.234 published on 11/07/2014.
- The Films and Music (Tax Stamps) Regulation, 2013. Government Notice No.244 published on 9<sup>th</sup> August 2013. and
- The Copyright and Neighboring Rights (Copyrighted Works-Communication to the Public) Regulations, 2015, Government Notice no. 29 published on 8<sup>th</sup> January 2016.

Apart from the challenges in implementing these Regulations and gaps resulting from lack of Regulations in some areas, a number of regulatory issues remain and need to be addressed. These are:

- There is conflicting interest in COSOTA functions, as under the current Act, COSOTA is both a Collective Management Organization (CMOs) and a copyright office.
- Although COSOTA's mandates are confined to issues related to IPRs, COSOTA operations and those of other agencies, e.g. National Arts Council (BASATA) which focus on music contents, appear to be duplicative of the private sector (hotel sector) specifically in entertainment halls due to lack of coordination.
- The Films and Music (Tax Stamps) is enforced by TRA in collaboration with COSOTA, BASATA and The Tanzania Film Board (TFB) through the Formalization of Film and Music Committee that is under three Ministries; Ministry of Industry, Trade and Investment, Ministry of Finance and Planning and the Ministry of Information, Culture, Arts and Sports. However, the motives of these four agencies are different depending on their legal statutory mandates and functions. While TRA is interested in collecting revenue and making sure that all works sold have TRA stamps, COSOTA is interested in protecting the intellectual property rights. BASATA on the other hand is interested in monitoring the music content and is involved in registering all those dealing with arts while TFB is interested in monitoring and regulating audio visual contents.

## Recommendations

- Separate the two roles of COSOTA so that they are performed by two independent offices – the Copyright Office and the Collective Management Organizations, which will operate as private entities supervised by the Copyright Office. The CMOs will be responsible for administering the rights of their respective members. The Copyright Office will be a government body supervising and issuing licenses to the Collective Management Organizations, creating copyright awareness and fighting against piracy.
- Coordinate the operations of COSOTA, BASATA, TRA, BASATA, TFB and related agencies to minimize costs/ time burden on the private sector.

## 3.4. Capacity Issues Affecting Regulatory Framework and Outcomes

The present review has also revealed significant capacity shortage in both the regulatory agencies and private sector organizations. The capacity gaps include expertise (human resources), facilities, coordination, institutional setup, etc. On the one hand, the gaps hinder effective and efficient delivery of regulatory services the regulatory agencies are supposed to offer. On the other hand, they hinder the ability of private sector associations to effectively engage the government in shaping the policy and regulatory framework. This section presents additional findings which need a different nature of capacity development interventions besides streamlining business licensing and regulatory framework. The presentation dwells on capacity gap and development recommendations on the overall capacity of the regulatory MDAs as well as that of the private sector.

### 3.4.1 Capacity Gaps in Regulatory Agencies

The issue of compliance with the legislative regime of the regulatory process has been contentious and riled with hurdles in terms of capacity of the regulatory agencies themselves. The capacity shortage, which includes expertise (human resources), facilities, coordination, institutional setup, varies across regulatory agencies. For instance, the Tanzania Meat Board and the Tanzania Fertilizer Regulatory Agency suffer from substantial capacity shortage. Likewise, the Zonal mine offices and TMAA, which are mandated to regulate, determine and collect revenue from the mining sector, suffer from a shortage of human and other resources.

The capacity shortage coupled with corruption tendencies and unnecessary bureaucratic processes have also affected compliance. As noted elsewhere in this review, there are cases whereby lack of coordination among some of the regulatory agencies is the real issue, which needs to be addressed. Furthermore, the delivery capacity by some LGAs has raised concerns from a cross section of stakeholders in the private sector. This section provides selected cases and some recommendations for corrective actions.

#### i. Shortage of manpower: Skills, Expertise, and Pro-private Sector Attitude

Except for a few cases, regulatory authorities have raised the issue of under-resourcing in terms of skills and tools/ equipment/facilities that are necessary to ensure compliance. To address this, the Government should carry out detailed needs assessment in MDAs with regulatory roles to establish the needed resources, skills and expertise gaps as a basis for building capacity for MDAs in order to ensure the proposed reforms are matched with requisite capacity in the respective regulatory agencies. The attitude towards private sector/pro-business should also be emphasized in order to bring out change of mindset. Regulatory agencies should strive to abide by their Client Charters and framework as stipulated in the Regulations.

## **ii. Design Institutional Setup Capacity for Effective and Efficient Regulations**

For some agencies, the institutional setup limits their capacity to carry out regulatory functions and results in a vacuum, which attract the emergence of numerous other agencies to fill the gap. The weakness in institutional setup results in a gap between policy objectives and actual outcomes.

In the health sector for instance, the Act which establishes the Health Sector Advisory Board, does not provide for a robust mechanism for establishing and managing executive agencies in ways that are demonstrably superior to normal government operations. The institutional setup of the Ministerial Advisory Boards leaves the Permanent Secretary as the effective decision maker on strategic/ policy matters of the seemingly regulatory agency.

Similarly, under the Wildlife Conservation Act, 2009 the Minister responsible is granted powers to allocate hunting blocks. Although the process involves the Hunting Blocks Allocation Advisory Committee, it is difficult to establish whether or not block fees are competitively set.

It is recommended that, as an integral part of BEE reforms, the Government reviews the legal and operational status of regulatory agencies and create robust entities capable of operationalizing the regulatory roles comprehensively in order to minimize the need multiplicity of agencies.

## **iii. Implement ICT Capacity Development for Convenience Compliance and Payments**

There has been significant progress in this aspect but there is space for improvement. BARA, which as noted earlier was not put into operation, had aimed at ensuring that most of the procedures are handled electronically. However in some sectors, e.g. health sector, lands, investors are still required to appear at the ministerial headquarter or LGA. As such, important registries relating to regulatory issues are still operated manually. Weakly operated national database/ registries imply a weak understanding of the tax bases.

BEE reforms should strive to synchronize and allow interface among data/database systems of the related agencies (e.g. TRA, BRELA, RITA, NIDA, Land Administration, etc.) so as to reduce duplications in documentation. The Blueprint recommends that reforms that will enable regulatory agencies to employ more ICT-based systems, including payment modalities that would allow payments from anywhere in the country through various means, e.g. deposit into a Ministry's bank account and e-transfers via mobile telephones. A clear phasing in this aspect is required to ensure requisite capacity is in place.

E-governance should be considered as one of the effective mitigation measures against revenue loss emanating from the reforms proposed herein. The Government, particularly at LGA level, does not have robust systems to track and collect potential revenue.

It is therefore recommended that the Government implements a comprehensive, time-bound strategy to shift to e-governance in all its revenue handling processes and ensure effective online sharing of data for learning and cross-validation.

### 3.4.2. Capacity Gaps in Private Sector Organizations

The Ministry of Industry Trade and Investment in collaboration with other stakeholders have made concerted efforts to improve and create a conducive environment for doing business in the country. The aim has been to put in place a vibrant private sector and investors system which is the engine of economic growth, employment creation and income generation. Despite economic reforms that have breathed renewed life into private economy, the Tanzania's business environment has critical shortcomings, which result in slow growth of private business. A weak private sector results in ineffective participation in the reform process. Even though the private sector participates in different reform initiatives, e.g. BRN Lab on Business Environment, it has demonstrated sufficient coordination and enabled economic reforms to happen.

In the BEE reform process, the Government needs a strong private sector, in terms of coordination, ideas, etc. Individually and through the private sector organizations play a great role in representing and defending the interest of their members by participating in collecting and coordinating opinions as an input to the national budget. In addition, they help government in creating and implementing various policies related to business environment by identifying challenges facing the sector and suggest recommends. However, this review has noted that the business community has a number of shortcomings that limit their contributions to the reform agenda and reform implementation.

The Business Environment Regulatory Licensing Reform (BRLR) committee acknowledges the contribution of the facts in business environment from the Private Sector Associations. , The Committee prepared questionnaires and distributed to the Private Sector Associations so that they can fill in. Indeed, this Committee expected to receive the filled in questionnaires timely. However, this was not the case. The response rate was rather low as only a few Private Sector Associations returned their duly filled in questionnaires to the Committee.

The low rate of response may have reduced comprehensiveness of the analysis of the issues on the ground in as far as the business environment is concerned. As a result, the Blueprint analysis of the views of the private sector is based on consultations with private sector and reports commissioned/undertaken by private sector. However, it was noted that some of these Associations' reports raised issues which lacked evidence and proof.

The analysis points to the need to support capacity strengthening across the private sector organizations so that they can have effective dialogue on issues relating to their respective members, across private sector organizations and other stakeholders, as well as dialogue between the private sector and the Government. The capacity of the Tanzania National Business Council (TNBC), and similar such associations, should be covered as one of the "supportive" reform priority areas. It is recommended that private sector should be supported to strengthen, (i) representation; (ii) coordinating bodies for representation; (iii) training for dialogue; and (iv) preparation for dialogue. It is recommended that the following aspects be strengthened:

- Increase capacity to aggregate diversity of interest of different businesses and individuals they represent to strategic priorities of the business community;
- Build capacity to transform values, views, and issues of different members in their respective constituencies towards policy recommendations to the government;
- Strengthen analytical capacity to build up a reservoir of experience, expertise, and practice for effective engagement in the P-P dialogue; and
- Strengthen institutional capacity to engage with the government formally and eliminate the vacuum and loopholes, which encourage informal networking that provide avenues for undeserved privileges and corruption.

In brief, it is emphasized that effective implementation of these recommendations requires that the government puts in place an effective regulatory capacity as well as a strong private sector, including a wide range of auxiliary institutions that promote business and provide various types of support services, such as trade associations, chambers of commerce and industry, metrology laboratories, standardization bureaus, and similar organizations.

# 4 FISCAL IMPLICATIONS OF THE PROPOSED REFORMS



## 4.1. Overview

Regulatory agencies in Tanzania have gradually and increasingly embed the role of revenue collection for their use and also contributed to the National Exchequer. Legally, most of the regulatory authorities are supposed to be self reliant in terms of financing ability and in some cases fully funded by providers of regulated supplies. Therefore, levies and fees imposed on regulated entities have been set with this motive in mind. Furthermore, the law requires the regulatory agencies to remit 10% of their collections/revenues to the Exchequer, which also adds more pressure on the business environment. Since the beginning of the fiscal year 2016/17, most of the agencies have been required to remit all their revenues to the Exchequer. In this context, the issue of revenue retention is critical. The proposals in this Blueprint have implications that go to the root of the revenue collected by the Agencies and LGAs. This Chapter analyses the indicative revenue implications of the reforms proposed by the Blueprint.

The analysis is based on historical data from annual reports of MDAs and data collected through the questionnaire, which was served to LGAs and MDAs with business regulatory functions as well as the private sector. The estimated revenue implications are indicative because two main reasons. First, some revenue figures in MDAs' annual report and LGAs were aggregate, which made it difficult to associate it with specific permits. Therefore, there could be some overestimation of the revenue loss where the BP the entire aggregate figures sine some of the permits/licenses will continue to exist even after reforms. Second, the analysis of the LGAs is based on the sample. Although effort was done ensure sufficient representation, e.g. mixing rural vs. urban LGAs, and LGAs which border neighbouring countries vs. interior ones, statements which generalize for the entire countries should be interpreted with care. In view of these caveats, the PB appeals to the Principle for Reforms when making the recommendations.

## 4.2. Potential Loss of LGA Revenue

The recommendations for reforms contained in this Blueprint are certainly going to have substantial fiscal implications on LGAs, especially in the short run. The reforms will however eventually lead to rapid economic growth. Haidar (2012) based on 172 cross-county panel data estimated that each reform, as defined in the World Bank Doing Business Report, results in 0.15 percent increase in growth rate of GDP. Therefore, in the long run, the expanding economy and formalization resulting from the reforms is most likely to offset the loss.

The trade-off between the short run loss and the long term dynamic gain needs to be managed as it was done in similar reforms in the past. It should be borne in mind that the Government has also demonstrated similar commitment following the decisions which made the provision of basic education and health care free. After implementation, estimate shows that user fees from secondary education and basic healthcare amounted to TZS 120 billion nationally, or 4% of the LGA revenues in 2013/14 (see PER study on fiscal inequality). Likewise, property tax, which used to be a significant source of revenue for urban LGAs, has since been shifted to TRA. This reform was implemented despite the fact that the Policy Paper on Local Government Reform aims to foster fiscal decentralization through increased LGAs' own revenue collection.

### 4.2.1. Analysis of Potential Overall Revenue Loss to LGA

Historical data show that own-source revenues (excluding the Compensation/General Purpose Grant) represent close to 9% of LGAs revenues (2005/06) and has increased modestly to 11% in 2014/15 (Table 4.1). Over the past 10 years, own sources have contributed to only 9 percent of LGA finances. Own-source revenues come from taxes, fees and other charges that are articulated in the LGAs by-laws. The proposed reforms do not eliminate all LGA own sources. This analysis implies that if the Central Government can increase its budgetary allocation or grant to LGAs by less than 10% of the LGA budget the financial implications would not be bad on the LGA. This is because with matched increase in grants from the Central Government, the LGAs will be able to finance most of their recurrent expenditures and they can therefore do away or reduce most of the nuisance taxes, cess, and other charges. This initiative will be a good incentive for increased businesses and investment. This will in the short run affect Government revenue, but the gains that will be realized from increased businesses and investment in the long run will exceed the short run losses.

**Table 4.1: Comparison of LGA Internal Revenues against Recurrent Expenditure (million TZS)**

	LGA Recurrent Expenditure	LGA Internal Collections	Expenditure Covered by LGA Revenues (%)
2007/08	1,189,977	93,546	8
2008/09	1,465,771	110,852	8
2009/10	1,823,788	137,416	8
2010/11	2,153,972	184,344	9
2011/12	2,277,053	236,716	10
2012/13	2,746,334	268,949	10
2013/14	3,264,872	353,515	11
2014/15	3,569,213	409,100	11

Source: Table 1 - Government Budgetary Operations (Bank of Tanzania Nov 2016 Monthly Report).

The revenues derived from LGAs own initiatives come from different sources depending on respective LGAs economic bases. However, for most rural LGAs, agricultural levies play a fairly important role, contributing about 43.9% of LGA own source. This source is followed by other own revenues (20.5%) and fees & charges (12.0%). On the other hand, the major revenue contributor for LGA in urban areas is service levy, which contributes 33.1%, followed by other own revenues (22.0%) and fees & charges (19.1%).

Although the overall contribution to the total LGA revenue is not substantial, the produce cess and service levies have been the source of complaints in rural-based LGAs and urban LGAs, respectively. The complaints of affected people are based on the rate and administration, including paying multiple fees, levies and other charges, such as produce cess particularly among those living in rural areas and engaged in agricultural activities, such as farming. As a result, produce cess and service levy are seen by many as a milking cow for the LGAs.

Produce cess being a major contributor to LGAs revenue in rural areas explains the outcry by many a people in rural areas who complain about being compelled to pay so many charges, cess being one of them. It is unfortunate that produce cess is not uniformly applied across all agricultural produce and at the same rate across LGAs. As one aspect of decentralization, and in order to reflect the local context, it is a prerogative of LGAs to set their own rates of produce cess.

It will work better for the country, rural population, investors and business community in general if there will be incentives such as reduced produce cess together with associated agricultural levies. This initiative will stimulate business activities and investment, as well as increase agricultural activities and employment, especially in rural areas.

## 4.2.2. Specific Areas of Revenue Loss

### i) Fees/Charges for Permits to Buy or Sell Crops

There is wide practice that the issuance of permits to purchase some crops is done by the respective crop Boards and the LGAs. For example, Mbinga TC issues a permit to buy and to sell coffee whereas the Tanzania Coffee Board (TCB) issues buyer license and seller license, apparently having similar purposes as the permits issued by the TC. The Blueprint recommends that TCB issues both licenses while LGAs recognize such licenses issued by the crop Board. In order to reduce the multiplicity of charges, fees, and taxes on crops, the Blueprint recommends that the mandate to issue the crop purchase/sell permit should remain with respective crop Boards, whenever applicable. If this happens, there will be loss of revenue for the LGAs involved. Some examples are illustrative:

- Kahama TC issues an average of 500 permits per annum on crops regulated by the Board. This implies an average loss of TZS 64.8 million per annum to Kahama TC.
- Masasi TC which in 2015/16 issued 750 permits generating a total of TZS 305.5 million will have a potential annual loss of more or less similar amount with that of Kahama TC noted above.
- Nachingwea DC has a potential annual revenue loss from removal of the permit issuance equal to TZS 32.8 million.

### **(ii) Forestry - Permit for Harvesting Trees/Forest Produce**

Permits for harvesting trees and forest produce are issued by both the Ministry of Natural Resources and Tourism, through the Forestry and Bee Keeping Division, and LGAs thereby being perceived as multiplicity and duplication of duties. Even then the charges are used as instrument for environmental protection/conservation, its administration costs justifying their existence. The Blueprint recommends that the Ministry of Natural Resources and Tourism should issue permits for harvesting trees and/or forest produce and LGAs should recognize those harvesting permits accordingly. By doing so, LGAs stand to lose revenue. The implied revenue loss is exemplified below:

- Missenyi DC through the LGA by-law (*Ada na Ushuru*) Section 4(1) part VII, has been issuing the above-mentioned permits whereas the Forest and Beekeeping Division at the Ministry of Natural Resources and Tourism issues similar permits.
- Through issuance of permits for harvesting trees and forest produce including timber, poles, log and charcoal Missenyi DC realized TZS 125.2 million as revenue in the year 2015/2016. The amount represents potential annual revenue loss to Missenyi DC once its mandate to issue permits is removed.

### **(iii) Livestock Value Chain**

#### ***Meat inspection and its attendant fees***

In the meat sub-sector, TFDA issues what is known as food registration certificate. On the other hand, the Tanzania Meat Board (TMB) registers meat consignment, while the Directorate of Veterinary Service (DVS) also conducts registration of meat. At the same time, LGAs do registrations, inspections and issue permits for meat. In return they realize revenue through a fee known as abattoir slaughter fee. Tarime TC provides a good example where through their by-laws, which also empower them to inspect and certify slaughter facilities and charge some fees for these services. The TFDA and TMB also provide similar services and charge for the same bringing unnecessary multiplication of fees charged to the businesses/actors in the meat sub-sector.

It is recommended that the mandate to regulate meat and related matters should be left with TMB. It is further recommended that DVS and TFDA should recognize the certificate issued by TMB in this respect.

#### ***Registration for Slaughter Facilities and Issuance of Slaughter Permits***

Registration and inspection (certification) of slaughter facilities is done by LGAs, the Tanzania Meat Board, Directorate of Veterinary Services and TFDA as is the case with issuance of slaughter permits. Such practice is observed in Korogwe TC for example. The Blueprint recommends that the mandate to regulate meat and related matters be left with the TMB, including registration of slaughter facilities as well as issuance of slaughter permits.

- Removal of slaughter permits from LGAs will not have a significant effect as it does not have major revenues implications. Accordingly, LGAs, DVS and TFDA should recognize certificates or permits issued by TMB.

### **Livestock Movement Permits**

Directorate of Veterinary Services and Tanzania Meat Board both provide registration certificates to those engaged in the business of moving livestock. LGAs also issue livestock movement permits. The Blueprint recommends that only Tanzania Meat Board should have the mandate to issue ownership of livestock production registration certificate, which implies that permission for movement of livestock. If the recommendation is upheld, there will be a significant revenue loss for LGAs, as illustrated below:

- Issuance of the above-mentioned permit generated TZS 2.8 million annually to the Bukoba Municipal Council, which is a potential revenue loss if the power to administer permit issuance is removed.
- As for Kilindi DC, the removal of the permit requirement will lead to a potential loss of revenues of approximately TZS 23.6 million per annum.

### **(iv) Fishing Sub-sector**

#### ***Certificate of Registration of a Fishing Vessel***

SUMATRA inspects and issues a license to operate a fishing vessel. At the same time, some LGAs issue registration certificates as well as permits/license to fishing vessels. For example, Mwanza CC issues fishing vessel license. The Blueprint recommends that the mandate and role to register and license fishing vessels be left with SUMATRA taking into account the requirements of the Fisheries Division for vessels to be 12 meters and above. LGAs and the Fisheries Division should only monitor compliance. LGA should continue to register small size vessels. This measure will result in potential loss of revenue on the part of the LGAs which are endowed with lakes, dams, etc. and under whose jurisdiction fishing activities are conducted.

#### ***Fishing License***

The Fisheries Division of the Ministry of Agriculture, Livestock and Fisheries issues a License for Fishing or License for Dealing in Fish and Fishery Products. LGAs also issue similar licenses. The Blueprint recommends that the mandate to issue fishing licenses should remain with the Fisheries Division only. In doing so, LGAs will incur potential revenue losses.

In 2015/16, for example, Ulanga DC guided by its by-law 2012 GN NO 79, issued 166 licenses at a price of TZS 48,000 per a license, thereby realizing TZS 7.97 million in revenue. Hence, the removal of license requirement from LGAs will have a potential annual revenue loss of about TZS 8 million to Ulanga DC. Similarly, Kilwa DC which issues and renews about 1,000 licenses per annum will have a sizeable revenue loss each year.

### **(v) Health**

#### ***TFDA/Pharmacy permit***

LGAs also register and issue pharmacy licenses whereas the Pharmacy Council registers and issues pharmacy premise registration licenses, as it is with the case in Korogwe TC. A fee is charged for this service. The Blueprint recommends that the role of registering and issuance of pharmacy licenses should remain with the Pharmacy Council and LGAs should only issue business licenses. If this recommendation is implemented, there is potential revenue loss to the LGAs.

For example in 2015/2016 Korogwe DC issued 183 permits at an application fee of TZS 1,000 per permit. Removal of the permit under consideration will result in potential revenue loss of about TZS 183,000 to Korogwe TC, which is not significant.

**(vi) Entertainment Sub-sector**

LGAs issue permits for performances related to music and culture. At the same time the National Arts Council (BASATA) also issues permit to perform cultural shows at a fee payable to LGAs. Mbinga TC, for example, issues permit for playing music and discotheques. The Blueprint recommends that only BASATA should be mandated to issue permits for cultural shows and playing discotheques and that LGAs should recognize the permits issued by BASATA. The cultural show performer can be required to pay some service fee instead. This measure will result in potential revenue loss for the LGAs.

In the given example Mbinga TC, collections from issuance of permits for cultural shows amounted to TZS 1.5 million. Removal of permits for cultural shows will lead to a loss of about TZS 1.5 million per annum to this TC.

#### **4.4. Potential Loss of MDA Revenues**

The removal and or reduction of fees and charges relate to licenses, permits, certification, etc. will also affect revenues of the MDAs. As noted earlier, the general principle is that license charges should aim at regulating and tracking records of those involved in the sector and not solely for raising revenues. Thus, based on the recommendations of this Blueprint for the fees, levies and charges to be reviewed or removed at MDA level, there are some fiscal implications involved. This Part covers the fiscal implications of removing and or reducing various fees and charges in selected MDAs.

#### **Cross Cutting Agencies**

- **SUMATRA**

In 2014/15, Surface and Marine Transport Regulatory Authority (SUMATRA) collected TZS 33.2 Billion as its revenue from various fees, levies and interest from its short-term investments. Shipping service fee which is the most important source to SUMATRA contributed to about 44 percent of its revenues in 2014/15. From business operators' point of view, there are no concerns with shipping service fees. The concerns are on the so-called miscellaneous Port service license charged by the Authority.

**Miscellaneous Port Services License:** These are provided by TPA and SUMATRA (Miscellaneous Port Services) Rules, 2015. TPA issues the permit (Merchant License) and MITI issues the Business License (Miscellaneous Port Charges). The Blueprint recommends that the mandate to issue licenses should remain with SUMATRA which in any event should only charge a service fee to business entities. Currently the fee generates about TZS 13 billion for SUMATRA. The amount is equivalent to 60 percent of what SUMATRA earned in terms of revenues in 2014/15. Moreover, the electronic single window system, when fully operationalized, will allow all payments to be made at one counter.

- **TBS**

In 2015/16, TBS raised TZS 25.8 billion as revenues from issuing Batch Certificates, Certificate of conformity and TBS Mark License & Tested Product Certificate (TPC). The three components contributed to 54.9 percent, 33.7 percent and 11.3 percent of the revenues, respectively. Most of the fees relate to services, which TBS provides, and there is justification for them to continue charging the fees. However, the revenue loss will result from areas where TBS will be required to recognize certificates issued by others agencies, e.g. TFDA.

- **OSHA**

In 2013/14, OSHA collected TZS 1.7 billion as revenues from fees and levies. Workplace registration accounted for 39.3 percent of the revenues. The main concern with OSHA operations is with regard to their procedures and not on the amount charged. The recommended reforms will not have significant revenue implications.

- **EWURA**

In 2015/16 EWURA collected a total of TZS 40.5 billion from regulator levy, license fees and application fees. Regulator fees were the main source of revenue for EWURA, contributing to 97.4 percent of its revenue collection. There were no significant complaints on the mode of collection by EWURA since the charges are mainly pegged on selling prices. There were however concerns with the following:

**Construction Approval for LPG storage facility:** EWURA is empowered under Section 126 of the Petroleum Act, Cap 392, Section 7 of EWURA Act, Cap 414 to issue construction approval for the LPG storage facility. LGAs, OSHA and the Fire Department are also charge for related services. LGAs issue building permits, OSHA and the Fire Department issues building and safety certificates. The Blueprint recommends that LGAs should be the only entity to issue building permits, which considers all necessary requirements including sector specific requirements. Sector specific and crosscutting regulators should submit their requirements to LGAs and recognize the permits issued by LGAs. To EWURA, this move represents a loss in revenue equivalent to TZS 1.34 million, which ideally would be captured by LGAs.

**Approvals for Constructing Petrol Stations:** With regard to the construction of petrol stations, a situation similar to the approval of construction of LPG storage facility applies, where EWURA, OSHA, LGAs and the Fire Department are involved. Here, however, NEMC comes in to issue EIA certificates. The Blueprint recommends that the LGA should remain the custodian of issuing building permits. On the average, EWURA issues 15 construction Approvals per annum at a unit cost of USD 200. The decision to remove that mandate from EWURA will lead to revenues loss of about TZS 7 million per annum.

**Petroleum Retail License:** EWURA issues Petroleum Retail Licenses under the law. The Blueprint recommends that LGAs issue the business license and EWURA continues to conduct necessary inspections. EWURA issues and renews approximately 280 licenses annually at a price of USD 700 per a license. In terms of revenue, this source generates about TZS 437 million to the Authority each year. The figure represents a significant loss if EWURA stops issuing the license.

- **TFDA**

In 2015/16 TFDA collected TZS 19.6 Billion as its revenue from various sources, including issuance of annual local food manufacturer business permits, cosmetic import permits, food import permits, food registration certificates, Pharmaceutical Import permits, and Pharmaceutical/Cosmetics registration certificates. Pharmaceutical Import permits are the main source of TFDA revenue, contributing to 47 percent of the total revenue it generates. Pharmaceutical/Cosmetics registration certificates follow, generating close to 28 percent of the revenue. Generally, food related permits are less important to TFDA in terms of revenue generation. With the exception of Food registration certificates, which account for about 7 percent of the revenue, individually the rest of the food permits account for less than one percent. Reforms in this area will therefore only have modest revenue loss to the Authority.

- **TCRA**

In 2015/16 TCRA collected TZS 49.3 billion from issuing Frequency User Licenses. As pointed out earlier, the current license cost per frequency is USD 500. Reduction of 50 percent on Radio Frequency Fee is recommended to reflect the regional pattern/trend. This will reduce the license fee to USD 250 per frequency. The average in East Africa region is USD 140 for a two-set frequency, which is the minimum requirement by Regulations. The recommended reduction will mean a loss of annual revenues of TZS 24.65 Billion to TCRA. Apparently, Frequency User License contributes to about 66 percent of the authority's revenues.

## Sector Agencies

### • Tourism

The main sources of revenues of the Ministry of Natural Resources and Tourism are collected from administration and general services, wildlife, natural resources and tourism development. In tourism, the key revenue components are: Tourism Development Levy (TDL); Tour operation services; Hotel classification; Accommodation services; Antiquities (receipts from research fee); Antiquities (receipts from entrance fee); and Miscellaneous receipts.

In 2015/2016, the revenue generated from issuing various licenses and permits in the tourism sector was close to Tanzanian Shillings 15.2 Billion. Tourism Development Levy and Tanzania Tourism Business License (TTBL) are the major revenue components in the sector with the former contributing 62.4 percent and the later 37.5 percent of the total revenue. As was pointed in Chapter Three, there are issues of concern with TTLB license and one of them is the amount charged for the license being too high compared to what is charged by other countries in the region. The recommendation is to reduce TTLB license fee to match the regional average of around USD 200. The main argument is that reduction in TTLB license fee will increase both competitiveness and compliance of business operators in the sector. The implications are outlined below.

#### ***i. Reduction of TTLB License Fee by 50 Percent***

In 2015/2016 a total of 1,310 TTLB licenses were issued to business operators, to both local and foreign companies. The average of issuance has been 1,130 licenses per annum for the past 3 years. A reduction of 50 percent on TTLB license fee has been recommended as an immediate action and gradually continuing towards the regional average of USD 200. Cutting the fee price by 50 percent implies loss in revenues to the MNRT of TZS 2.9 billion in year one. This is viewed as a short run loss and in the medium to long run the reduction will enable licensing of the currently estimated 1,000 businesses in tourism, which operate without TTLB license. Compliance is expected to increase with the reduction in TTLB fee.

#### ***ii. Reduction of Hotel Levy to 5 Percent***

For most LGAs the average collection from the Hotel Levy is about TZS 25 million per annum. The reduction of the levy to 5 percent will reduce the LGAs revenue from this source by 50 percent. It is estimated that TZS 2.1 billion will be the average overall loss to the LGAs.

#### ***iii. Removing the Trophy Handling Fee***

On average, 700 hunting licenses are renewed annually and for each license the Trophy Handling Fee has to be paid at a rate between USD 400 and USD 600, depending on the package. Removal of Trophy Handling Fee has implications for revenue losses to MNRT equivalent to TZS 937 million per annum.

#### ***iv. Management of Park Fee***

The Blueprint recommends the re-introduction of multiple-entry passes into parks. The current practice, which does not allow multiple entry, does not add much to the revenues as they contribute to an estimate of TZS 400 million per annum, which is less than one percent of total collections in the tourism sector. However, it is one of the sources of inconveniences to the tourists. The removal of multiple entry fee will reduce revenue to less than TZS 400 million per annum but will promote development of the sector and spills over income to the communities around the Parks who in turn are responsible for protecting and preserving the parks/sites. TANAPA collects up to TZS 68 billion from fee source.

## • **Agriculture and Agro-processing**

### ***i. Milk/milk products Import permit***

The Tanzania Dairy Board, which regulates (import and export of milk and Milk Products) issues Import permits. TFDA also issues import permits. The BLUEPRINT recommendation is that import permits should only be issued by TFDA. As for TBS, the BLUEPRINT recommends that TBS should set standards and leave TFDA to deal with enforcement. MITI should continue issuing import licenses for records/data collection purpose at a very minimal fee. The estimated revenue loss would amount to revenue of TZS 193 million per annum to the MALF/Dairy Board.

### ***ii. Milk/milk products Export permit***

The Dairy Industry Act, Cap 262 mandates the Dairy Board to regulate the quality and quantity of the exports for dairy products and in so doing it issues export permits (under Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)). The Board should issue export permits. On average, MALF issues 130 permits per annum at a unit price of USD 150. The potential loss to the Ministry due to abolition of export permits is equivalent to TZS 43.49 million per annum.

### ***iii. Game Trophy Export Permit***

Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control) guides the process. The MITI and MNRT issues Export licenses and Export permits, respectively. The mandate to issue trophy export permits should remain under the MNRT and MITI should continue issuing licenses without or with only little fee. A total of 281 permits were issued for an application fee of TZS 30,000. The revenue collected was TZS 8.43 million, which represents the potential loss to be borne by MALF if the permit is removed from the Ministry.

## • **Fisheries Division**

### ***i. Permit for Movement of Fish and Fishery Products***

The Fisheries Division issues movement permits. While TFDA inspects and certifies fish transportation vessels, the Fisheries Division also issues Approval Certificate of means of Transport for Fish and Fishery Products, which serves similar purposes. The recommendation is to remove the Permit requirement by Fisheries Division. Currently, the Division charges TZS 50,000 per permit. The loss in revenue is negligible as the permit contributes to below 0.5 percent of the total revenue of the Division. The most important revenue components to the Division are Export Royalties, Import Royalties, and Exclusive Economic Zone Fishing Licenses, which collectively account for about 94 percent of the total revenues.

### ***ii. Certificate of registration of a Fishing Vessel***

The Certificate of Registration of Fishing Vessels is issued by Fisheries Division. SUMATRA and LGAs are also involved where the former licenses Fishing Vessels while the later issues Fishing Vessel permits. The BLUEPRINT recommendation is that the function of registering and licensing the Vessels should be left to SUMATRA while LGAs and the Fisheries Division should just monitor compliance of the Vessel owners. In a period of three years since 2013/14, the Division has issued, on average, 165 licenses per annum. The maximum amount of fees charged by the Division is USD 120, which is for a Vessel with description 50.1 to 150 GRT. To the Fisheries Division this represents on average a loss of TZS 44.2 million per annum.

### ***iii. Permit for Import of Fish and Fishery Products***

The permit is issued by Fisheries Division but there is some duplication as TBS, TFDA, TAEC, MITI are also involved in regulating this sub-sector. The Fish importation license is issued by both MITI and TFDA. TAEC monitors radioactivity in imported and exported foodstuff and issues a compliance certificate based on the IAEA Basic Safety Standard 115.

The Blueprint recommends that TBS only sets standards and TFDA be mandated to inspect pre-test and issue the importation permit. The mandate to issue the import permit should be removed from the Fisheries Division and MITI should continue to issue the import license without, or only with little fee. The Division issued 620 licenses in 2015/16 from 246 and 251 licenses in 2013/14 and 2014/15, respectively. Removal of the permit is likely to lead to a loss of less than 1 percent of the MALF's total revenues.

**iv. Permit for Export/Import of Fish and Fishery Products**

The permit is issued under Regulation 75 of Fisheries Division and is valid only for a particular batch/consignment. The fish exportation license is issued by both TFDA and MITI and should be renewed annually. The Blueprint recommends that the Fisheries Division continues with its mandate to inspect, pre-test and issue the export permit. The mandate to issue the import permit should be removed from the Fisheries Division and MITI should continue to issue import license and could charge appropriate taxes/fees to protect domestic producers. In 2015/16, the Division issued 8,000 Export permits resulting in revenue to the tune of about TZS 200 million to the Fisheries Division. The revenue is less than one percent of the Ministry's annual revenues.

**v. Health/Sanitary Certificates for Fish and Fisheries Products**

The Fisheries Division issues this certificate. TBS and TFDA also come into the picture. TFDA inspects the premises and issues a registration permit to premises that deal with selling of food. Such inspection includes sanitary facilities, health measures, cleaning of utensils, etc. The Blueprint recommends that the Fisheries Division recognizes certificates issued by TFDA and the Division only enforces compliance. The removal of the mandate to issue the certificate from the Fisheries Division will result in a loss of revenue amounting to TZS 24 million, which is what was collected by the Division in year 2015/16. A loss of TZS 24 million to the Division is negligible compared to the constraints the requirement causes to the businesses in the Fisheries Industry.

**vi. License for Fishing or Dealing in Fish and Fishery Products**

TFDA, MITI and LGAs are involved in this license - MITI provides business license; TFDA issues business license to sell food products including Fish; and LGAs issue business license. The responsibility to issue business license should remain either with MITI or LGAs and TFDA should continue safeguarding safety standards for the premises and food. On average the Fishery Division issues 7 licenses per annum. The cost of the License, depending on type of fisheries product, ranges from USD 3.12 for citizens to USD 504 for non-citizens. The revenue potentials for the permit is TZS 7.9 million, which is rather negligible.

**vii. Wild Animal Import and Export Permit**

MALF issues the Wild Animal Import Permit. The Wildlife Division issues the animal import permit and MITI issues the import license. Mandate to issue the wildlife importation permit should be left to DVS. MITI should also continue to issue the license for record purposes without, or with only little fee and minimum procedural/documents requirements. The removal of permit issuance will lead to negligible loss in revenue, equivalent to TZS 1.33 million.

As is the case for Wild Animal Import permit, the Blueprint recommends removal of Wild animal export permit now issued by MALF and the mandate to issue the permit be left to the Wildlife Division. The loss in terms of revenues is negligible.

**viii. Import License on Sugar**

The Sugar Board of Tanzania licenses importation of sugar in the country. MITI and TFDA also issue licenses and permits, respectively to import sugar. The permit issued by MITI is a duplication. The Blueprint recommends removal of the mandate of MITI in issuing import permits. Currently the Board collects TZS 4 billion from the permit.

**ix. Ginnery Expansion/Extension License**

The license is issued by Tanzania Cotton Board. LGAs are also involved in issuing the building permit; OSHA and the Fire Department also issue building inspection and safety certificates. LGAs should be the custodian of Building Permit issuance, taking care of all necessary requirements including those specific to sectors. Sector specific regulators (e.g. Cotton Board) and cross-cutting regulators should submit their requirements to LGAs and recognize the permit issued by LGAs. Only one license was issued in the period 2015/16. Removal of the license will have negligible implication for the Cotton Board revenues.

**x. Coffee warehousing License**

This license is issued by the Tanzania Coffee Board. Similarly, the Tanzania Warehousing Licensing Board/Authority issues warehouse license under the warehouse receipt system. The Blueprint recommends that the mandate to set standard and licensing of warehouse be left to the TWLB and the Crop Boards be required to recognize certificates issued by the TWLB. Where there are crop-specific requirements, they should be enforced by TWLB. The Coffee Board issues and renews about 26 licenses each year at a charge of USD 500 and application fee of USD 24 per a license. To the Coffee Board this represents revenue loss of about TZS 33.38 million.

**xi. Beef, Goat & Mutton Export Permit**

MALF issues this permit. At the same time, the Meat Board issues the Clearance Certificate while TFDA issues the Certificate of food export. The mandate to issue the export permit should be left to the Meat Board. MITI should only provide the license for the purpose of keeping records and leave the fees to be charged by the Cashew Board. TFDA usually issues the certificate of food exports only if requested by the country of destination. In 2015/16, the Tanzania Meat Board collected TZS 383.7 million as revenues from various charges. The main revenue sources were Import licenses (56 percent) and export licenses (41 percent).

- **Health Sector**

Private Health Laboratory Board collected TZS 1.9 billion shillings from fees and levies in 2015/16. The Import Permit fee was the most important component contributing to about 84.5 percent of the revenues. Most of the fees charged in the sector are justifiable. There are no much fiscal implications in terms of the revenues in the health sector given that the import permit fee, which by standard must be there, is the most important source of revenue to the sector.

**Table 4.2: Sources of Revenues for Selected MDAs with Regulatory Functions.**

Institution	Source of revenue	Financial year		
		2013/2014	2014/2015	2015/2016
SUMATRA	Shipping Services Fees	16,921,028,000	14,571,401,000	
	Road Transport Licensing Fees	8,018,390,000	6,641,941,000	
	Service Provider Annual Levy	6,809,061,000	6,250,959,000	
	Marine Safety Fees	311,297,000	275,816,000	
	Other Income	5,510,645,000	4,446,237,000	
	Grant Income	199,626,000	38,643,000	
	Interest from Short Term Investments	1,578,409,000	1,019,991,000	
	Rental Revenue from K'nyama House	3,000,000	3,000,000	
	<b>TOTAL</b>	<b>39,351,456,000</b>	<b>33,247,988,000</b>	
SSRA	Social Security Levy	8,232,642,182	8,311,739,258	
	Government Subversion - PE	1,341,070,000	2,073,643,100	
	Other Income include deferred income	183,823,827	335,250,982	
	<b>TOTAL</b>	<b>9,757,536,009</b>	<b>10,720,633,340</b>	

<b>TBS</b>	Batch Certificate	9,192,483,902	11,100,437,985	14,188,833,323
	Certificate of Conformity (COC)	US \$ 1,698,825	US \$ 1,815,480	\$ 3,913,561.23
	TBS Mark License & Tested Product Certificate (TPC)	2,788,240,538	1,208,158,816	2,929,394,244
	<b>TOTAL</b>			
<b>Tanzania Meat Board (TMB)</b>	Application	-	840,000	600,000
	Registration	25,930,000	2,935,000	10,063,000
	Import	-	201,309,421	214,773,681
	Export	-	59,792,060	158,244,837
	<b>TOTAL</b>	<b>25,930,000</b>	<b>264,876,481</b>	<b>383,681,518</b>
<b>TWLB/WWRB</b>	Business License Application fees	-	220,000	330,000
	Operator License application fees	-	180,000	350,000
	Business License fees	-	8,000,000	2,520,000
	Operator License fees	-	17,040,000	9,560,000
	Administration fees	47,256,060	91,152,131	143,413,503
	Warehouse inspector operation fees	-	600,000	600,000
	Training contribution	-	18,000,000	42,107,113
	Charges from Performance Bond.	-	33,622,869	59,511,417
	Inspection Contribution/charges	-	-	20,271,000
	Other charges (OC)	131,853,000	58,990,000	83,508,000
	Personal Emoluments (PE)	207,728,000	132,138,000	121,821,000
	Development Fund	30,000,000	-	-
	<b>TOTAL</b>	<b>416,837,060</b>	<b>359,943,000</b>	<b>483,992,033</b>
<b>OSHA</b>	Workplace registration	664,000,000		
	Potential Annual fee	920,000,000		
	Accident investigations	2,800,000		
	Compounded offenses	80,000,000		
	Risk Assessment	24,000,000		
	<b>TOTAL</b>	<b>1,690,800,000</b>		
<b>Private Health Laboratory Board</b>	Importation Permit fee	749,376,530	677,348,412	1,550,819,974
	Dealer/Whole fee	46,698,334	53,166,666	50,635,000
	Application fee	11,820,000	14,002,500	17,180,000
	Registration fee	22,265,000	39,001,763	41,723,333
	Quality Assurance fee	41,011,339	50,121,348	51,112,502
	Monitoring Fee	44,181,663	80,144,744	85,509,665
	Retailer fee	2,354,167	3,145,833	1,250,000
	Representative fee	4,800,000	4,200,000	4,800,000
	Safety Rules	266,000	495,000	562,000
	Standard Guide line for Evaluation	200,000	200,000	85,000
	Export Permit fee	2,745,100	3,238,401	-
	New Technology Trial fee	2,090,000	9,063,002	14,190,190
	Fine	-	-	17,736,000
	<b>TOTAL</b>	<b>927,808,133</b>	<b>934,127,669</b>	<b>1,835,603,664</b>

<b>EWURA</b>	Regulator Levy	29,595,558,000	34,145,408,000	39,417,143,000
	License fee	397,403,000	555,773,000	798,970,000
	Application fee	84,887,000	122,162,000	260,637,000
	<b>TOTAL</b>	<b>30,077,848,000</b>	<b>34,823,343,000</b>	<b>40,476,750,000</b>
<b>TTLB</b>	Tanzania Tourism Business License (TTBL)	3,575,629,927	3,666,586,702	5,714,064,000
	Temporary permit for additional vehicles & Overland Truck	-	-	1,320,000
	Fees for grading or re-grading of Tourism Accommodation Facilities	-	-	15,750,000
	Tourism Development Levy	1,860,475,280	4,163,541,673	9,501,158,702
	<b>TOTAL</b>	<b>5,436,105,207</b>	<b>7,830,128,375</b>	<b>15,232,292,702</b>
<b>Ministry Of Tourism And Natural Resources - Antiquities Divison</b>	Entrance fees	1,193,334,000	984,880,700	440,956,449
	2.Research fees	8,198,030	40,324,449	19,164,535
	<b>TOTAL</b>	<b>1,201,532,030</b>	<b>1,025,205,149</b>	<b>460,120,984</b>
<b>Ministry Of Home Affairs - POLICE</b>	Fire Arms Licenses	883,753,316	849,479,581	1,152,543,572
	Identification Fees	51,105,156	80,834,40	140,975,327
	Motor Vehicles Inspection fees	776,831,150	1,176,678,500	1,133,243,900
	Police Traffic Notifications of Offence	23,250,530,000	30,615,530,000	44,283,914,304
	Receipts from Sales of Stores	1,719,000	8,803,750	1,642,500
	<b>TOTAL</b>	<b>24,963,938,622</b>	<b>32,650,491,831</b>	<b>46,712,319,603</b>
<b>Environmental Health Practitioners Registration Council</b>	Practicing License Fees	95,400,000	22,780,000	15,240,000
<b>Medical Radiology and Imaging Professionals Council-MOHCDGEC-MRIPC</b>	Enlisting fees	80,000	280,000	120,000
	Enrolment fees	320,000	720,000	200,000
	Full Registration fees	6,160,000	4,320,000	3,440,000
	Provisional Registration	1,250,000	1,600,000	3,650,000
	Temporary Registration	485,000	993,000	4,446,000
	<b>TOTAL</b>	<b>8,295,000</b>	<b>7,913,000</b>	<b>11,856,000</b>

<b>TFDA</b>	Annual local food manufacturer business permit	58,902,755	21,946,476	75,646,826
	Annual food outlet business permit	58,902,755	21,946,476	75,646,826
	Cosmetics Import permit	108,178,362	163,298,965	226,970,207
	Cosmetics Export Permits	2,200,000	1,140,000	1,910,000
	Food export permit (Health Certificate)	58,902,755	21,946,476	75,646,826
	Food import permit	942,365,583	1,499,463,187	3,214,399,857
	Food registration certificate	983,734,789	1,097,719,699	1,275,656,930
	Pharmaceutical/Cosmetics manufacturer business permit	1,200,000	800,000	1,600,000
	Pharmaceutical Import permit	5,226,866,283	7,017,653,859	9,222,058,211
	Pharmaceutical/Cosmetics registration certificate	5,228,066,283	7,018,453,859	5,428,869,700
	Pharmaceuticals (human and veterinary), herbal drugs and medical devices export permits	7,500,000	8,500,000	4,500,000
	<b>TOTAL</b>	<b>7,500,000</b>	<b>8,500,000</b>	<b>19,602,905,383</b>
<b>Engineers Registration Board - ERB</b>	Engineers, Firms & Technicians Registration Practice License	USD 3,180	USD 1,780	USD 2,220
<b>Architects and Quantity Surveyors Registration Board (AQRB)</b>	Registration Certificates	345,658,000	351,792,000	361,323,000
<b>Ministry Of Works Transport And Communication (WORKS)</b>	Abnormal load Permits	1,478,094,329	854,664,928	1,331,284,934
<b>TCRA</b>	Application Services License	4,685,720,573	4,440,329,842	6,753,346,588
	Courier Services License	356,450,897	23,029,276	154,981,515
	Content Services License	1,744,711,100	1,477,500,043	2,872,294,607
	Installation and Maintenance of Electronic Communication Equipment License	81,160,000	82,770,000	208,883,384
	Importation of Electronic Communication Equipment License	24,000,000	69,000,000	270,000,000
	Network Facilities License	7,558,188,434	7,675,496,838	8,970,448,288
	Network Services License	6,837,527,360	4,902,203,501	6,065,481,632
	Public Postal Services License	141,082,719	145,230,715	163,237,806
	Frequency User License	37,031,581,362	38,875,787,001	49,289,914,293
	Selling and Distribution of Electronic Communication Equipment Licenses	11,042,956	23,901,245	46,616,905
	Very Small Aperture Terminal (VSAT) Licenses	218,560,000	100,819,000	187,032,843
	<b>TOTAL</b>	<b>58,690,025,401</b>	<b>57,816,067,461</b>	<b>74,982,237,861</b>
	<b>Ministry of Works, Transport and Communications - UCSAF</b>	Universal Service Levy by holders of communication license	6,200,000,000	7,200,000,000
<b>Ministry of Industry Trade and Investment (MITI)</b>	Business License	5,291,137,846	7,972,578,143	11,200,476,427

### 4.3. Revenue Loss Mitigation Measures

Even through the above analysis of revenue implications is indicative, it is apparent that substantial amounts are involved and there is need to propose measures to mitigate the expected loss and ensure that LGAs and regulatory agencies remain effective going concerns. The following are what the BP proposes to that effective.

#### 4.3.1. At LGA level

As noted in Chapter 3, the main regulatory and fiscal challenges facing businesses in rural areas relate to the level and methods of administration of the produce cess. As such, major complaints from the private sector concern cess (produce cess in particular) and multiplicity of charges. These issues have been noted in previous studies including one which resulted in the URT “Draft Policy Paper on Local Government Finance” in 2004. The current analysis reveals that the 2004 recommendations are still valid. Thus the Blueprint recommends the following:

- Simplify the processes of paying tax. The Government should consider introducing a Unified Local Business (ULB) tax to replace the existing multitude of taxes and charges.
- UBL Tax is a broad-based presumptive tax on business income based on gross turn over for small business that cannot produce formal business records. The LGA should administer the tax based on centrally legislated schedules that allow variations by type, size, and location of the business.
- Carefully implemented, this measure should be revenue neutral. However, in practice it should be expected to generate less due to inertia in acceptance both by the bureaucrats and businesses as well as expected challenges along the learning curve.
- Alternatively or complementarily, LGAs could introduce local personal income surcharges, piggybacked to the presumptive income taxes administered by the Tanzania Revenue Authority.

While the Government should consider the above as core in the reform package, parallel efforts should be taken to plug the loopholes in the current collection systems. New challenges have emerged in the course of outsourcing revenue collection for LGAs. It has been noted that outsourcing was adopted as a mechanism to solve the previous problems of revenue collection which resulted into loss of local revenue, and mismanagement of the whole process. However, CAG Reports indicate that some LGAs do not benefit from using this approach. Instead it is the collecting agents who enjoy the returns due to weak administrative capacity on the part of LGAs. For example, the CAG Report for 2014 shows that 54 LGAs had uncollected revenue from collecting agents in the amount of TZS 4, 843, 414, 724.

In addition to CAG Reports, the PWC-PEFA study shows variability in revenue performance across the LGAs. On the average, the LGAs collected 86.2%, 70.9% and 91% of budgeted revenues in 2011-12, 2012-13 and 2013-14, respectively. The collection ratio varied widely from 19% to 193% across LGAs in those years. This is a reflection not only of the collection inefficiency but also in many cases the lack of robustness of the mechanisms for revenue forecasting.

Based on this analysis, the following is recommended:

- Reforms for the regulatory regime should be supported with capacity development in the area of revenue forecasting and collection to mitigate the fiscal implications of the reforms, particularly at the LGA levels. Thus, while attempting to establish new revenue sources at the local levels, focus should also be on strengthening existing ones to realize their full potential.
- Related to the above, LGAs should be supported to build fiscal automation through IT systems, including online payment options in order to increase compliance with local tax laws and to promote greater willingness to pay local taxes.

- Despite the decentralization efforts, currently LGAs' own-revenue sources contributes about 10% of LGA total expenditure. The Central Government can increase its budgetary allocation or grant to LGAs by 10%. In so doing, the LGAs will be able to finance most of their recurrent expenditures and they can therefore do away or reduce most of the nuisance taxes, cess, and other charges;

The Government can actively explore the above further as a mitigation strategy to enhance LGAs revenue expansion and collection, including transfer of roles to more efficient agencies, e.g. transfer of property tax collection role to TRA.

### 4.3.2. At MDA Level

One of the reform principles in this BLUEPRINT is separation of the regulatory roles from the revenue motives. In this case, the licenses/permits should only attract fees necessary to cover the operating cost of the respective agencies. The reforms will therefore impact on the revenues collected in excess of the operating costs.

In order to cushion the impact on revenue, the above-recommended reforms also include proposals on how to minimize the revenue/fiscal loss in the short run. These include taking gradual steps in reducing the current applicable rates (fees, charge, etc.) until when Tanzania achieves the regional or international comparability. This approach is what is recommended for TTLB licenses.

In the long run, however, the proposed reform will enhance private sector growth, formalization, increased government revenue collection, and ultimately economic growth,

As a concluding remark to this Chapter, we emphasize that Government revenue sources are found in several areas/sectors throughout the country/economy. Some of the sources are already captured in the revenue net (tax and non-tax revenues). Some are not, and effective collection of revenue from those sources requires appropriate staff to be posted in these areas/sectors. Furthermore, the potential for creating new non-traditional revenue sources exists. In the tourism sector, for example, new avenues include transit tourism and air tourism. There is the realm of private sector. However, the government through institutions like TANAPA should constantly review the sector modes of operation for the emerging opportunities and evaluate them for implementation viability. In some cases, due to shortage of trained personnel, the Government resorts to untrained personnel for assessment and revenue collection. This should not be encouraged.

Overall, a critical evaluation of revenue potential is required in order to identify and rank revenue sources by order of importance and determine appropriate ways for cost effective collection. This should be considered as a short-term measure and the starting point is the similar studies recently carried out/commissioned by MoFP, TRA, TAMISEMI, etc. In the medium to long-term, the Government make adequate investment in capacity building (human resources and others) to ensure that revenue determination (assessment) and collection is managed effectively.

# 5

## IDENTIFIED AREAS FOR QUICK-WIN REFORMS



## 5.1. Overview

This Chapter presents a summary of the reform recommendations from chapter 3 with the view to identifying areas for quick wins and related review of laws to give effect to the proposals. The summary commences with a presentation of the criteria for selecting quick-win reform areas and phasing the reforms. It also provides the basis for setting work-plans for concerned/respective regulatory agencies.

## 5.2. Criteria for selection of quick-wins and phasing reforms

This section provides for the criteria for phasing the proposed reforms, and therefore the basis for the work-plan for implementation of the same. The criteria are based on the revenue implications of the reforms, the capacity of the regulatory agencies to acquire additional mandates (e.g. change in the coverage of the areas they regulate), other government reform processes (e.g. the review of the organization structure of the Government), and the overall government zeal to set a strong momentum for reforms. The specific criteria are:

### 1. BEE reforms should start with clear areas of quick win with minimum fiscal implications.

The preparation of the BLUEPRINT comes to an end when the Government National Budget Process is at an advanced stage. To avoid disruption in the National Budget Process, the reforms activities for the fiscal year 2017/18 should be those, which will not demand significant alteration of the budget. This would include reforms which could be implemented through the Finance Bill and/or by way of Miscellaneous Amendments, e.g. addressing overlaps across regulators and consolidating revenue collections. The government should then gradually shift focus to implementing reforms which have significant fiscal implications in subsequent fiscal years.

### 2. Select “big-bang” reform areas to set the political tone of government’s commitment to reforms and to sustain the reform momentum.

Reforms take time and it is important that, apart from the quick wins, the government implements reforms in selective key results/big impact areas to send political signals of the sustained commitment to reform. Areas with such impact are those where the outcry has been strongest, widespread and associated with major effects on economic growth and wellbeing of many Tanzanians. These should be areas where the fiscal implications could be managed, e.g. licensing procedures in the tourism sector, fisheries, crop and livestock value chains.

### 3. Address issues of capacity of the regulatory agencies and existing preparedness

Some of the proposed reforms call for a shift and consolidation of some mandates from one agency to another in order to address conflicting and overlapping mandates. Institutional setup of the recipient agency as well as the technical capacity is key to effective regulation. If this is not done, the reform would leave vacuums, which could be easily exploited and raise the risk of reform reversal. Therefore, some reforms will have to be held in abeyance pending further analysis/capacity development.

### 4. Align BEE reforms to other national (and international, if any) processes

Besides forging alignment to the national budget process, the BEE reforms should be pursued within the context and timeframe of other key national and international processes and agreements to which Tanzania is a member or has ratified them. A case in point is the on-going process of preparing an organizational structure of the Government.

### 5.3. Areas for quick-wins and phases for reforms

Based on the above criteria and the analysis of the preceding Chapter, the following are the areas with potential quick win:-

#### Area Set 1: Invoke and Evoke the Statutory Powers of Ministers to Control Regulatory Agencies/Boards

##### Phase Category: Quick win

The following analysis clearly illustrates that some of the challenges facing both the government and private sector in relation to doing business could be addressed by Ministers who have powers under the law establishing them. Initiatives could be taken to address the challenges in the short term while long term solutions are being sought.

Ministers are statutory agents recognized by legislative enactments that establish Ministries as departments of government. It is in this regard that the different laws establishing regulatory authorities and agencies recognize Ministers and provide for their functions, roles and duties.

Generally the powers of Ministers to regulate Authorities/Agencies/Boards under their command cuts across matters ranging from the appointment of members of Boards and key personnel, designation of offices and authorization of local authorities to perform similar functions. Ministers are also given the mandate of regulating permits, licenses and levies after consulting the respective Authorities or Boards. They also have an upper hand in the course of issuing directives to such Board and Authorities in discharging functions other than the regulatory functions and approval rules with respect of code of conducts. The Boards and Authorities are sometimes required to consult Ministers prior to making Rules and Regulations.

The above powers and functions given to Ministers by law may conveniently be used to address some of the challenges relating to the roles of regulatory Authorities/Agencies/Boards and LGAs in creating a good atmosphere for doing business identified in the Blueprint. The Ministerial powers are of two types. On the one hand there are those powers that are confined to sector specific issues, confined to internal matters within the Ministries. On the other hand there are cross-sector issues which transcend to other Ministries. Specific examples of the use of laws empowering Ministers to take action would suffice at this juncture:

#### Specific Quick Win Areas

Some laws give powers to Ministers to address challenges to sectors directly under this mandates. The Standards Act is a good example. Section 31 of this Act empowers the Minister to issue directives on a general or specific nature to the Tanzania Bureau of Standards Board. This provision further requires the Board to give effect to every direction given by the Minister. ***This provision could be employed by the Minister giving directives to the Board to give effect to the recommendations of this Blueprint that have a bearing on the TBS.***

Challenges identified in the Blueprint that have a bearing on issues relating to Weights and Measures can also be addressed by the Minister directly. For example, section 17 of the Weights and Measures Act empowers the Minister to appoint the Weights and Measures Committee. This Committee is required to advise the Minister on any matter arising out of the operation of the Act. ***This provision can be used by the Minister to bring positive effect in promoting the business environment. The Minister can re-organize the composition of the Committee to include personnel from Authorities/Boards with seemingly conflicting mandates to ensure such conflicts are eliminated.***

Another example in this category relates to OSHA. Section 2 of the law establishing OSHA gives mandate to the Minister to exempt the application of the Act in certain work places and factories. Stakeholders who feel that the application of the OSHA Act to their business is unwarranted have the option of making a strong case and apply to the Minister for exemption under this provision. ***In view of the challenges faced by OSHA due to lack of personnel to cover the expansive area of the country, the Minister is empowered by section 5 to designate OSHA's functions under the Act to be performed by any local government authority. This provision has indeed been used in some cases as noted in this Blueprint.***

The Dairy Industry provides yet another example where the Minister's powers may be invoked to address some of the identified challenges in the sector that have inhibited business operations in the country. Section 9 (1) of the Dairy Industry Act, for example, gives powers to the Minister to appoint the Chairperson of the Tanzania Dairy Board and 5 other members to advise him on matters of dairy policies and strategies. ***The power of Ministers to review the recommendations of the Board in relation to terms and conditions for registration provided for in section 20 (2) of the Act can also be deployed to ensure a tranquil atmosphere for doing business in the Dairy industry sub-sector. Similarly, the Minister's powers to make Regulations on the advice of the Board, provides more room for addressing challenges faced by the Board.***

The Minister's power to exempt any class of persons from all or any provisions of the Act by section 34 is critical. This provision may also be used to address some of the identified challenges and complaints from a cross section of stakeholders in this sub sector. These can apply for exemption on short, medium or long terms exemptions depending on the nature of their cases.

Some legislative enactments limit the powers of Board or Authorities to make certain decisions, including those related to licenses, without consulting the Minister. A case in point is EWURA. Section 7 (3) of the law establishing EWURA provides that the Authority shall not award or cancel certain licenses without consulting the Minister. Moreover, the Ministers are also given power which may be used to address matters that are over and above the functions of Authorities by the law. ***Section 7 (4) of the law establishing EWURA illustrates this. It gives power to the Minister to give the Authority directives of a specific or general nature other than those in relation to its regulatory functions.***

The Tanzania Food and Drug Authority Act provides a good example of laws that do not give the general powers for Ministers to give directives but empowers them to do certain acts on specific issues under their mandates.

Section 42 of the Tanzania Food and Drug Authority Act is a good example. This section requires the Minister responsible for Health (on the advice of the Director of TFDA and after consultation with the Minister responsible for livestock development) to make regulations relating to premises for slaughter of animals or birds and sale of meat for human consumption as well as inspection. ***This provides an opportunity to address the challenges noted between TFDA and Meat Board.***

Section 36 of the Standards Act could be used to address some of the identified challenges of implementing the Act at the LGA level. This provision empowers the Minister (after consultation with the Minister responsible for LGAs) to make by-laws for implementation of the Standards Act at the LGA level.

The law establishing SUMATRA also provides a good example in this area. Under this enactment, the Minister responsible for transport is empowered under section 6 (4) to give to the Authority direction of a specific or general character on specific issues, ***other than in relation to the discharge of the regulatory function*** arising in any sector, for the purposes of securing effective performance by the Authority of its policy, functions and compliance with the code of conduct.

Some laws make it mandatory for some Authorities to consult Ministers from other sectors where decisions of the Authorities are likely to impact on other sectors. Section 7 (3) of the law establishing EWURA provides a good illustration of this. The section limits EWURA from awarding or canceling certain licenses without consulting Ministers of the sectors concerned. ***This cross-sector reference is laudable and should be emulated by other legislation to ensure coordination to avoid some of the identified pitfalls that hinder initiatives to improve doing business in the country.*** This could be achieved in the medium term.

The Animal Diseases Act provides good examples of cross-referencing of mandates among different sectors in relation to the power of Ministers. Section 3 of this Act empowers the Minister to appoint a veterinarian in public service to be the Director for veterinary services. Section 4 (1) on the other hand gives power to the Minister to appoint veterinarians or paraprofessionals under the Veterinary Act 2003 in the public service to be inspectors for specific areas for a specified time. The Veterinary Act 2003 provides for the registration of the veterinarians, enrollment or enlistment of paraprofessional and paraprofessional assistants and for the establishment of the veterinary Council and other related matters.

The Animal Diseases Act also has a direct link with the Wildlife Conservation Act where it makes reference to wild animals. The link is necessary to ensure that measures to control diseases of the animals in the wild are in effect. The mandate of this lies with the veterinarians or paraprofessionals (as they are the ones with the expertise to control the diseases and verify whether the animals are disease free or not) and inspectors as per The Animal Diseases Act and the Veterinary Act. ***This cross-reference of the laws requires coordination among the Ministers charged with the dockets of wildlife, veterinary and livestock.***

The power of the Minister to issue licenses for hatcheries and artificial insemination Centers under section 38 of the Animal Diseases Act further amplifies the point. The Minister's power to delegate prevention and control of diseases issues to LGAs under section 47 of the Act can also be used to address challenges pointed out in relation to this sub sector.

The need for consultation among Ministers is also captured by the Act in Section 60, which provides consultation between the Minister and the Minister in charge of fisheries when making Regulations for prevention and control of fish diseases.

## Area Set 2: Reforms which entail Legal Review

### Phase Category: Quick win (QW) /Medium Term (MT)

Some conclusions and recommendations given in Chapter 3 require amending some sector laws and re-aligning others. Apparently, some of the recommendations related to legal issues are of a general nature, cutting across most sectors and regulatory agencies. Examples are the overlaps at the business licensing and registration stages, and overlaps and conflicting mandates among national level regulatory agencies that deal with standards, weights and measures such as TBS, WMA and TFDA. In such cases, the overlaps and conflicting mandates are more pronounced at the operational level. These challenges are not very acute in terms of the legal mandates of the Agencies/Authorities/ Board. In other cases, the provisions in the laws that require coordination are not complied with, leading to complaints from stakeholders. A large part of this is addressed under Area Set 1 above.

The summary that follows focuses on recommendations for reforms in the legislative framework discussed according to the sectors that the Blueprint covers, to wit, immigration, labour, social security, tourism, transportation and logistics, agriculture, health, mining and construction. (Reform Annex A1 presents a summary of issues from the sector laws that were reviewed with and the proposed recommendations).

### Tax Laws and Tax Administration

**Frequent amendments in tax legislation:** Stakeholders are of the view that frequent amendments have introduced substantial weaknesses in the tax laws and tax administration leading to inconsistency in policy application and interpretation, intent and applications.

It has been noted that raw materials for animal feed production are subject to VAT whereas small scale domestic processors do not have input VAT because they buy from small-scale farmers, who do not charge VAT.

#### *Recommendation - QW*

- Amend Regulations to enable TRA to rationalize the VAT treatment for raw materials with the view to promoting domestic industries and enhanced industrial inter-linkage, value addition.

#### **Application of Indicative Prices for Imports:**

The application of indicative price for imports has been a bone of contention from amongst stakeholders. It is clear that, in order to ensure effective tax administration, indicative import prices ought to be issued in order to enhance predictability of the amount of taxes the importers pay and revenue accruing to the Government. One of the challenges however is the rigidity of the indicative prices, which makes them fail to reflect price trends in the world markets.

#### *Recommendation - QW*

- TRA should find flexible, realistic and operational approach in determining indicative prices in order to arrive at a dutiable value, which makes domestic industries competitive.

### Immigration and Labor Sectors

#### *Issue: Inspection of Work Permits*

The Non - Citizens (Employment Regulation) Act empowers immigration officers, police officers and work officers to inspect work permits of foreign employees. However, it does not stipulate any boundaries regarding the circumstances under which either of the officers should go to inspect. As a result all these agents end up visiting individual firms at different points in time to carry out the same exercise without any coordination.

*Recommendation - QW*

- Amend (by way of a Miscellaneous Amendment) the Non - Citizens (Employment Regulation) Act to give the routine inspection mandate to only one agency, preferably the labor officer. The provision envisaged should allow either immigration officers or police officers to be used for such purpose, but not both.

*Issue: Fees for Processing Residence and Work Permits*

The total amount of fees required to process both residence and work permits have increased from USD 2,000 to a range of USD 2500-3000 per person within two years, depending on the type of permit.

This has led to a significant increase in the cost of permits especially for businesses with many foreign employees.

*Recommendation- MT*

- Review law to rationalize and harmonize fees payable for Work/Residence Permits to reduce the cost of doing business.

It has also been noted that while residence permits issued to foreign workers restrict their movements to pre-specified regions within the country (where the main business activity resides), work permits allows them to work in any region in Tanzania. The current setting implies that an employee working for a company with several branches across regions may need different residence permits to move from one office to another branch of the same business.

*Recommendation - MT*

- Amend the Immigration Act and harmonize the conditions for the two permits to allow their validity throughout the country.

*Issue: Temporary Work Permits*

The review has established that the Immigration Department issues temporary work permits to foreigners who stay in the country for a period not exceeding three months. However the Labour Commissioner does not recognize these permits. This has caused significant disturbances and in some cases chaos as labor officers arrest foreign workers and investors who have temporary permits from the ImmigrationDepartment.

*Recommendation - QW*

- Amend (by way of a Miscellaneous Amendment) the Immigration and Employment and Labor Relations Acts to remove the conflict so that the temporary permits issued by Immigration are recognized by labor officers.

*Issue: Duration of Issuing Work Permits and Clarity for Renewal Applications*

It has been noted that the Non-Citizens (Employment Regulations) Act does not place a ceiling on the duration it should take to issue permits from the date an application is made. On the other hand, it is not clear whether the applicants who seek renewal of their permits should remain or leave the country as they wait for a decision.

*Recommendations - QW*

- Amend (by way of a Miscellaneous Amendment) the Non-Citizens (Employment Regulations) Act to incorporate clarity on the time it takes to get a permit from the time of application submission. Also, the amendment should state that renewal applications be made from within Tanzania and provide a clarification on the legal status of applicants whose applications for renewal are pending.

## Social Security and Labor Issues

### *Issue: Coordination of Social Security Schemes*

It has been established that the Social Security sector in the country lacks co-ordination at the national level since each Pension Fund reports to a different Ministry with different rules of operation and procedures. As a result coordination among them is virtually absent.

### *Recommendations - MT*

- Amend the Social Security Laws to provide for coordination of all social security schemes under one Ministry with exception of NHIF, which should remain under the Ministry of Health.
- Revise laws by merging the Schemes into two main Funds: one for the Private Sector and another for the Public sector.

### *Issue: Synchronizing Data for Social Security Schemes, Tanzania Employment Services (TAESA) and BRELA*

The Data systems of the three institutions that regulate social security demonstrate duplicity leading to extra costs of doing business.

### *Recommendations - MT*

- Amend the law by synchronizing/allowing interface between the data systems of the agencies to reduce duplications in documentation requirements and also harmonize the procedure so that company registration is done by a single agency and the Labor Division is provided with relevant information for regulation purposes.

### *Issue: Remittance of Funds to Pension Schemes*

There is no centralized payment system leading to employers being required to remit different statutory contributions to multiple schemes in accordance with the law.

### *Recommendations - MT*

- Amend the law to centralize and automate employers' registration and remittance of contribution collections and harmonize deduction rates among all the social security schemes that will be retained after the reforms.

### *Issue: Exclusion of Informal Sector in Schemes*

It has been observed that the key challenge faced by the SSRA in the course of executing its functions is identification of the businesspersons given the size of informal sector of the country, which currently has a labor force of more than 20 million people. This is a potential area for generating government revenue.

### *Recommendations - MT*

- Amend Sect 31 of SSRA Act, 2008, Cap. 135, R.E. 2015 to allow the Informal Sector into Schemes and establishing centralized payments to informal sector groups.

## National Environment Management Council (NEMC)

**Duration of conduction EIA:** It has been observed that sector specific environment requirements overlap with NEMC requirements. Stakeholders are also concerned that the EIA process takes unnecessarily long time and the fees are unjustifiably high, coupled with high fines for non-compliance.

### *Recommendations - MT*

- For the sake of reducing overlaps and duplicity, NEMC should assign some of its regulatory mandates and its requirement to sector regulators to enforce, such as the mining sector, which also impose environmental requirements.
- Introduce a cap on the fees charged in order to reduce excessive high burden for relatively large projects; and
- Provide a time frame in the law within which the EIA process should be completed.

## **Land and Human Settlement Issues**

**Ownership of Land:** It has been noted that stakeholders view the land tenure regime as discriminatory as non-citizens are not allowed to own land except through the TIC.

### *Recommendation MT*

- There is a need for the government to engage the private sector to re-iterate the spirit, and the policy and legislative framework behind the land law reforms that led to the present land tenure system.

## **Tourism Sector**

### *Issue: Duration of Permits for Strategic Investments*

It has been established that there is an apparent conflict relating to the duration of investment permits issued by Wildlife Division of MNRT and Tanzania Investment Centre. This is because under the Tanzania Investment Act, 1997 strategic investments (including hunting tourism) permits can be awarded for up to 30 years. However, the Wildlife Division can, under the *Wildlife* Conservation (Tourism Hunting) Regulations, 2015, offer a similar tenure permit for a maximum period of five years. This contradiction causes confusion leading to complaints.

### *Recommendation - QW*

- Synchronize the Wildlife Conservation (Tourism Hunting) Regulations and the Tanzania Investment Act, 1997 to remove the contradiction in permit issuance.

### *Issue: Payment of TTLB for Professional Hunters (PHs)*

The law requires PHs to pay for the TTLB licenses. The PHs are usually employees and their licenses are paid for by the employer.

### *Recommendation - QW*

- Review the Hunting Regulations and remove the double licensing element in the hunting tourism.

## **Agriculture Sector**

### **1. Issue: Tax Exemption for Horticultural Inputs and Equipment**

It has been noted that the VAT Act does not accommodate a range of modern horticultural inputs and equipment do not qualify for exemptions under the VAT Act 2014. This exclusion reduces the competitiveness of the sub-sector in the international markets.

#### *Recommendation – QW*

- Amend (by way of Miscellaneous Amendment) the VAT Act to accommodate a range of modern horticultural inputs and equipment in its list of exemptions, including dam liners for irrigation technology, spare parts for greenhouses, biological control agents, agro-nets, plant protection substances, and storage, post-harvest and cooling equipment.

### **2. Issue: Overlaps in Registration of Animal Feeds**

There is duplicity in the registration of manufacturer and supplier/distributor of animal feeds under the Grazing – Land and Animal Feed Resources Act and its Regulations and The Dairy Industry Act of 2004 Section 32(b)). Overlaps are also evident in charges relating to the control of the import and export of animal feeds under the Animal Diseases Act of 2003 & its Regulations 2007 and the Department of Plant Protection –Phytosanitary.

It has been observed that import and export of milk and milk products is regulated by the Tanzania Dairy Board (TDB) and the Directorate of Veterinary Services (DVS). Whereas TDB charge FOB Value of 1%, DVS levies its charges based on weight. It has also been noted that there is an overlap with respect to the registration of acaricides. In practice, the registration is done by the Directorate of Veterinary Services (DVS) through the Animal Diseases Act of 2003 & its Regulations 2007. At the same time, the Tropical Pesticides Research Institute also registers the acaricides.

#### *Recommendations - MT*

- Amend the law to ensure that DPM handles registration of manufacturers and suppliers/distributors of animal feeds and DVS to regulate control of the import & export of animal feeds and, where necessary, in collaboration with the Department of Plant Protection.
- Amend the law to ensure that DVS/TDB charge per consignment on import/export of milk and milk productions and DVS should refrain from charging consignments for the export market.

### **3. Issue: Duplication of Roles in Issuing Import Permits**

The Tanzania Dairy Board also issues one-month Import Permits with the objective of controlling the importation of dairy products to Tanzania. These Permits are also subjected to approval of the Division of Veterinary Services and TFDA.

#### *Recommendation - QW*

- Amend (by way of Miscellaneous Amendment) the applicable laws to provide that TDA is responsible for coordination of the registration of premises/ business name(s)/ processors or manufacturers.

### **4. Issue: VAT exemption for zero-rated VAT and Protection of Domestic Processors of UHT**

It has been observed that there is a need for change from zero-rated VAT to the VAT exempted status to enable business persons to claim VAT refunds. Also, the lack of clarity in the definition of 'processed' and 'unprocessed milk' in the VAT Act 2014 has caused conflicts between tax administrators and processors. Currently, UHT is imported without being charged VAT. This situation does not protect domestic processors. The government may recover the lost revenue by classifying the imported fresh milk (UHT) as processed milk and therefore liable to VAT.

*Recommendation: QW*

- Amend (by way of Miscellaneous Amendment) the VAT Act to revert to zero rating the sub-sector inputs and charge VAT on processed milk.

**5. Issue: Conflicts in line of Reporting**

It is noted that the Tanzania Fertilizer Regulatory Agency (TFRA) reports to the Agricultural Inputs Section of the Ministry responsible for Agriculture. However, there are other regulatory agencies with completely deferent line of reporting, leading to confusion in the TFRA regarding charges for licenses, certificates and permits for fertilizers. The confusion relates to the roles of key players - TFRA, TBS, WMA, TAEC and SUMMATRA.

**6. Recommendations - MT**

- Review the legal framework establishing the roles of key players to remove the conflicting and overlapping mandates between TFRA and other regulatory agencies.

**Transportation and Logistics Sector****1. Issue: Inconsistency in LGA By-Laws**

LGAs by-laws do not state the procedures and fees associated with a particular permit. In cases where these are provided, procedures and fees for the same permit/license vary across the LGAs. The inconsistency causes significant disturbances and costs to truck and bus drivers operating across various LGAs.

It has also been noted that Truck operators passing through different LGAs experience different treatment in relation to the permits to use roads under jurisdictions of LGA (not that of TANROADS). The LGAs by-laws do not provide for the amount to be paid for the permit nor the procedure.

*Recommendations - MT*

- The Minister in charge of LGAs should issue Regulations directing LGAs bylaws to specify the exact amount of fee associated with Permits and provide for an indicative fee range within which all LGAs' fees will fall.
- Review the law to establish a one-window Facility that deal with issuance of single permits to be used across the LGAs. Truck owners should be able to apply for a single permit which states that all LGAs are covered by the schedule. The relevant LGAs can then share the fee as per their respective by-laws.

**2. Issue: Hours of Operation for Transportation of Forest Products**

Findings reveal that TFS issues permit to transport forestry products (i.e. Transit pass for forest produce from harvesting areas to the markets; and Export certificate permit, given to a dealer who intends to export forest produce) with a condition which prohibits transportation of the forest products past 18:00 pm. At the same time TRA Regulations provide that transit goods trucks should report at every earmarked station on the stipulated time (which could go beyond 18:00hrs). In the course of trying to comply with the TFS requirements truck drivers end up breaching the TRA requirement leading to payment of penalties.

*Recommendation - QW*

- Remove such controversies by harmonizing e the TRA and TFS Regulations. Either TRA should relax its regulatory condition for such types of cargo (forestry products) or TFS should relax the requirement prohibiting transportation of the forestry products past 18:00 hrs.

*Recommendation - QW*

- Amend laws to harmonize the safety and quality standards by TBS, TRA and SUMATRA such that the requirements for importation and operation of commercial public transport vehicles are consistent across the three Regulators.

**3. Issue: Transboundary Transportation**

Our findings reveal that Regulations relating to trans-border transportation in terms of technical and safety rules for buses and restrictions of travel during the night are in conflict with those of other countries. This has negative impacts on the transport business.

*Recommendation -MT*

- Review laws to harmonize the country's domestic transport Regulations with those of the region.

**4. Issue: Variation of LGA fees**

It has been established that bus owners are required by LGAs by-laws to pay fees for using a particular bus stand/ stop/parking as well as the use of roads managed by LGAs at every LGA and involving varying amounts of fees and other charges.

*Recommendation - QW*

- The Minister responsible for LGAs should enact Regulations to put in place a coordinated fee payment system such that bus owner can pay the entire amount of the fee at the starting point of the journey to receive a stand/ stop usage permit that stipulates all the stops that the bus is eligible to use along the route. The fees can then be divided across the relevant LGAs.

**5. Issue: Prohibition of Carrying Dangerous Items in Buses**

The Transport Licensing (Road Passenger Vehicles) Regulations (2007) issued by SUMATRA prohibit buses from carrying dangerous items such as weapons and undocumented immigrants. Bus operators have been held liable in instances where passengers violate the Regulations.

*Recommendation - MT*

- Amend the Regulations such that the penalty/legal charges are incurred by the passenger found to have violated the Regulations.

**Construction Sector**

*Issue: Duration of Registration of Quantity Surveyors and Architects*

The number of days taken to register individual professionals or firms in the sub-sector is unnecessarily long. Time period for the validity of certificates, licenses and permits for Engineers should also be extended.

*Recommendations – QW*

- Amend (by way of Miscellaneous Amendment) the Architects and Quantity Surveyors (Registration) Act, 2010 to address the concern;
- Amend (by way of Miscellaneous Amendment) the Engineers Registration Act, No. 15 of 1997 (Cap 63) to address the concern of Engineers.

## Mining Sector

### *Issue: Variation of Fees at the LGA level*

Businesspersons in sand extraction sub-sector are required to pay for a license, royalty to the MEM and other fees charged by LGAs. Like in other sectors, e.g. agriculture, the issue of concern in the mining sector is on the variations in LGA fees as are guided by LGA specific by-laws. Also, the fees paid by exporters of Clinker for cement production erodes competitiveness of domestic producers. This jeopardizes the exportation of the material.

### *Recommendation - MT*

- The Minister responsible for LGAs to enact Regulations to standardize LGA payments and fees concerning activities in the mineral sector and address the concern on radioactive fees.

## Health Sector

### *Issue: Procedures for Licenses to Operate Health Facilities*

The procedures summarized for obtaining the relevant permits/licenses to operate health facilities are considered cumbersome by stakeholders in this sub-sector.

### *Recommendations - MT*

- Review the legal framework to allow temporary permits/licenses and decentralize decision making to minimize time and related costs for applications to operate health facilities.

## Creative Industry:

**Amending relevant laws in the Industry:** The current review has revealed that the process of amending the Act which has caused conflicting and overlapping mandates has been unnecessarily prolonged and that the absence of Regulations also complicates matters.

### *Recommendations - QW*

- MITI in collaboration with the Attorney General should fast track the process of amending the relevant laws to remove conflicting and overlapping mandates

## 5.4. Other Areas for Reforms

### 5.4.1. Scale-up operationalization of One-Stop Government Services Center (OGSC) and Single Window Payment Systems (SWIPS)

This study has revealed that compartmentalization and manual delivery of business regulatory services and respective payment systems add considerably to the cost of doing business. Establishment of TIC and EPZA one stop service centre and introduction of systems such as TANCIS and electronic Single Window System (eSWS) are some of the initiatives to address the compartmentalization and silos mentality in government service delivery. The benefits accruing to this initiative has prompted this section of the Blueprint on how the OGSC and SWIPS could be operationalized countrywide.

There are several recommendations elsewhere in the BP which call for interventions to bring related regulators under one roof/shop/center in order to reduce costs both in the private sector and the government. This section provides a recommendation on the proposed OGSC and SWIPS by borrowing an experience of similar initiatives in Tanzania and elsewhere in emerging and developing economies.

#### Recommendations

- The government should re-engineer, automate and integrate the existing OGSC and SWIPS to handle all sectors of the economy and make it accessible to all prospective investors through different administrative points such as TIC, EPZA and LGAs. However, the scope of harmonizing some aspects of their policies, including incentive structures and sector-based incentive schemes (e.g. in mining sector), should be explored.
- Carry out phased introduction and scaling-up of OGSC/SWIPS facilities to all LGAs. The following concept and approach can be considered.

#### Process re-engineering, automation, integration and rolling out of digital services

This will involve strategic investment in integrating databases of various agencies. The process could start immediately using the existing physical one-stop-facilities at TIC, EPZA and LGAs. However, these facilities should be re-engineered to facilitate virtual /online accessibility of regulatory services from one-stop-shop centres whereby the following government services will be rendered: Issuance of National Identification Cards; Registration to the Social Security Services; Business Name and Company registration; Business License (group A and B); All tax services; Permits from different governments MDAs and Agency (TFDA, TBS, OSHA, Land and Property, etc); Student Loan application (HESLB) and University admission (TCU); General Social Services (Water, Health, Welfare, Social Security, birth, death and marital status certificates, etc); Reporting Ethics and corruption (PCCB).. As such, the website could be administered under these institutions interlinked to web pages of other regulatory authorities (i.e. e-government). The lessons and experiences from the pilot cases should support re-engineering, automation, integration and roll-out of digital services in respective LGAs whereby trade officers will be used as key focal points.

In prioritizing which business regulatory aspect to start with, consideration should be given to the following:

- Quick Impact:** Services that will support realization of low-hanging fruits and potential quick-win benefits that lead to early results. So far, BRELA system has proved that it is possible to introduce online facilities on business licensing and registration.
- Broad Socio-economic impacts as well as social and economic sustainability:** Services that will address technology challenges in high impact sectors and contribute significantly to employment creation; forward and backward linkages; SMEs growth; foreign exchange earnings (enhance export in the regional and international market); effective utilization of local raw materials and natural resources, etc.

## 5.4.2. Reforms to Enhance Capacity of Regulatory Agencies and Private Sector Organizations

**Capacity gaps:** It has also been noted that there is significant capacity shortage in both the regulatory agencies and private sector organizations which hinder efficiency in engaging government in shaping the policy and regulatory framework.

### Capacity Gaps in Regulatory Agencies

#### *Recommendations – MT*

- i. Government should carry out detailed needs assessment in MDAs with regulatory roles to establish the needed resources, skills and expertise as the basis for building capacity for MDAs in order to ensure the proposed reforms are matched with requisite capacity in the respective regulatory agencies and in line with their Client Service Charters.
- ii. Government should review the legal and operational status of regulatory agencies and create robust entities capable of operationalization of the regulatory roles comprehensively in order to minimize the need multiplicity of agencies.
- iii. Government should implement ICT capacity development strategies for convenience and compliance payments.
- iv. Government should implement a comprehensive and time-bound strategy to shift to e-governance in all its revenue related operations and ensure there is effective online sharing of data for learning and cross-validation.

### Capacity Gaps in Private Sector Organizations

#### *Recommendations – MT*

The Private sector should be supported to:

- i. Strengthen capacity of the private sector to engage and dialogue with government.
- ii. Increase capacity of private sector organization to aggregate diversity of interest of different businesses to strategic priorities of the business community;
- iii. Build capacity to transform values, views, and issues of different members in their respective constituencies towards policy recommendations to the government;
- iv. Strengthen analytical capacity to build up a reservoir of experience, expertise, and practice for effective engagement in the P-P dialogue; and
- v. Strengthen institutional capacity to engage with the government formally and eliminate the vacuum and loopholes which encourage informal networking that provide avenues for undeserved privileges and corruption.

## 5.5. M&E Framework for Blueprint Implementation

The preparation of the Blueprint was participatory and involved wide consultations. As a result, some of the reform proposals have already been taken on board in the 2017/18 fiscal year, e.g. removal of some inefficient regulatory requirements, charges and fees in agriculture sector, MoU between TBS and TFDA aimed at reducing bureaucracy, etc. It may be recalled that, the Government has had similar attempts in the past as demonstrated in such programs as the Business Environment Strengthening Tanzania (BEST), BRN Business Environment Lab, core reforms, and sector reforms. These programs had their M&E frameworks even though the reporting and coordination remained weak. As a result, there has been a slide-back with the effect that the regulatory requirements, charges and fees which were removed in the 2000s were re-stated.

In the light of the above, therefore, the Blueprint proposes a framework for monitoring and evaluating the implementation in order to ensure that the Government and other stakeholders keep track of what is implemented and consistently evaluate the impact on business environment. A robust M&E of the Blueprint at national, regional and LGA level as well across regulatory agencies is key to avoiding the eventuality of sliding back. Such M&E framework is in line with the spirit of the Second Five Year National Development Plan (FYDP II) in respect of M&E. The FYDP II calls upon the Government to closely monitor progress in improving business environment, including the introduction of the Local Business Enabling Environment (BEE) Survey to obtain information on local conditions and regulations that affect businesses.

The proposed Business Enabling Environment Monitoring and Evaluation Framework (BEEM) will guide the M&E process, including stakeholders' dialogue, outputs, and feedback mechanism in implementing the Blueprint. Specific areas of this proposed framework are:

- i. Specific/Special implementation report by all MDAs, as well as RS, and LGAs consolidate by PO-RALG. These reports could generate an unbiased and objective process, including an *Organizational Performance Index (OPI)* in order to rank performance of across agencies and over time.
- ii. Preparation of National Annual Ease of Doing Business Report (à la World Bank Report), in order to show progress at national, regional, and LGA levels.
- iii. Conduct stakeholders' dialogue on BEE at various levels to complement existing forums such as TNBC, etc. to serve as one of the feedback mechanism on BEE.
- iv. System/process to implement (i) – (iii) above.

Based on the above:

- i. Tanzania will produce its own national ease of doing business report, including *Organizational Performance Index (OPI)*, which could be used to evaluate BEE initiatives at national, regional, and LGA levels.
- ii. The National Ease of Doing Business Report could be prepared annually by independent national think-tanks but under the leadership of the Government.
- iii. Tanzania could consider introducing BEE competition at LGA and Regional levels based on the finding of the National Ease of Doing Business Report. The aim is to capture aspects of BEE that are governed by LGA by-laws that are likely to detract/enhance national progress in improving its ranking in the global doing report.

Preparation of the National Ease of Doing Business Report will adopt, among others, the WB indicators, **Organizational Performance Index (OPI)**, and will introduce additional ones to suit the national context. The adoption of WB indicators will allow Tanzania to assess the extent to which the national level evaluation marries with the international ranking statistics.

The National Ease of Doing Business Report, which has to serve as BEE evaluation tool, is expected to provide independent and fair assessment of the status and process in BEE. In this case, a report will be produced by an independent or a consortium of independent research organizations such as Universities, ESRF, REPOA, Uongozi Institute, etc.

## 5.6. Concluding Remarks

From a legal point of view, the conclusions and recommendations that have been drawn from this review generally require amending some sector laws and re-aligning others. There is no recommendation that has far reaching consequences calling for radical measures in terms of repealing any sector law. However, the amendments to be made may require overhauling some legislative enactments.

It should also be pointed out that there is an element of bias in focus, as emphasis is made on principle laws in the recommendations. This is mainly due to the fact that by-laws and regulations are made on the basis of principle law and it follows that once the principle law is amended, the by-laws and Regulations must follow suit to conform to the amendment.

The analysis above has provided highlights on the principle laws of selected sectors that need to be reviewed or amended to address identified challenges with the view to improving the process of doing business in the country. In isolated cases, the recommendations call for enactment of regulations to achieve this objective.

In the process of incorporating the amendments, there may be a need for the drafter of the amendments to amend ancillary laws (Principle laws and Regulations) of other sectors which were not the focus of the Blueprint but which, implicitly, would have to be cross referenced too. The cross referencing should therefore be done in a manner that will not lead to losing the intended objective of facilitating an enabling environment for business entities to operate in a tranquil atmosphere and in an equitable regulatory regime. Prosperity of business entities will enable the government to collect the much needed revenue that will make it achieve its development aspirations.





# REFORM MATRIX



# Reform Matrix

## Reform Matrix A1: Summary of Proposed Recommendations

### Set 1: Invoke and Evoke the Statutory Powers of Ministers (Quick win)

S/N	Relevant Law(s)	Power To The Minister	Recommendations	Responsible Authority	Timeframe
1	The Standards Act (Section 31)	The Act empowers the Minister to issue directives on a general or specific nature to the Tanzania Bureau of Standards Board.  This provision further requires the Board to effect every direction given by the Minister	This provision could be employed by the Minister by giving directives to the Board to effect the recommendations of this Blueprint that have a bearing on the TBS.	TBS	2017/18
2	Weights and Measures Act (Section 17)	The Act empowers the Minister to appoint the Weights and Measures Committee, which is required to advise the Minister on any matter arising out of the operation of the Act.	The Minister can use this Act to re-organize the composition of the Committee to include personnel from Authorities/ Boards with seemingly conflicting mandates to ensure such conflicts are eliminated	Weights and Measures Agency	2017/18
3	OSHA Act (Section 2)	The Act gives mandate to the Minister to exempt its application to certain work places and factories.	Stakeholders who feel that the application of the OSHA Act to their business is unwarranted have the option of making a strong case and apply to the Minister for exemption under this provision	OSHA	2017/18
	OSHA Act (Section 5)	This section empowers the minister to designate OSHA's functions under the Act to be performed by any local government authority	This provision has already been used in some cases as noted in the Blueprint		
4	The Dairy Industry Act (Section 9)	The Act gives powers to the Minister to appoint the Chairperson of the Tanzania Dairy Board and 5 other members to advise him on matters of diary policies and strategies	This power can also be deployed to ensure a tranquil atmosphere for doing business in the Dairy industry sub-sector.	Dairy Board	2017/8

	The Dairy Industry Act (Section 15)	This section gives the Minister power to exempt any class of persons from all or any provisions of the Act under section 34 .	Stakeholders have the option to apply for exemption on short, medium or long terms exemptions depending on the nature of their cases		
5	EWURA Act (Section 7)	<p>The Act provides that the Authority shall not award or cancel certain licenses without consulting the Minister.</p> <p>In addition, the Ministers are given power to address matters that are over and above the functions of Authority by the law</p> <p>This section also limits EWURA from awarding or canceling certain licenses without consulting Ministers of the sectors concerned</p>	<p>Minister can use the power to give the Authority directives of a specific or general nature other than those in relation to its regulatory functions.</p> <p>This power can be used to save time and resources in addressing some regulatory issues not so well articulated in the Act.</p> <p>This cross-sector reference can be used to avoid some of the identified pitfalls that hinder initiatives to improve doing business in the country</p>	EWURA	<p>2017/18</p> <p>2017/18 – 2019/20</p>
6	TFDA Act (Section 42)	This section requires the Minister responsible for Health (on the advice of the Director of TFDA and after consultation with the Minister responsible for livestock development) to make regulations relating to premises for slaughter of animals or birds and sale of meat for human consumption as well as inspection.	This provides an opportunity to address the challenges noted between TFDA and Meat Board, especially those related to duplication/ overlapping mandates, procedures and fees	TFDA, Meat Board	2017/8
7	SUMATRA Act (section 6(4))	The Act empowers the Minister responsible for transport is to give to the Authority direction of a specific or general character, other than in relation to the discharge of the regulatory function arising in any sector, for the purposes of securing effective performance by the Authority of its policy, functions and compliance with the code of conduct	This provision could be used by the Minister to address apparent conflicts that have been identified in this sub-sector	SUMATRA	2017/18

## Set 2: Legal Review

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
<b>TBS AND SECTOR RELATED AGENCIES</b>					
1.	1. Standard Act No. 2, 2009	1. Overlapping mandates in relation to standards, weights and measures.	1. EWURA Act has been drafted to eliminate the overlap of mandate with other bodies. Sect 37 provides for inconsistencies with other sector laws.	TBS	2017/18
	2. Weights and Measure Act No. 20, 1982	3. Conflicting and duplicating mandates between the EWURA and TBS relating to the monitoring of standards and quality of Petroleum products and equipment in the country.	4. To ensure conflicts are avoided during inspections(coordinate their inspection exercise. For example, OSHA could also be mandated to inspect (on behalf) aspects under the FRU).	WMA	2017/18
	5. Tanzania Food and Drug Authority Act No.1, 2003	6. TBS has the power to set standards and inspect compliance to the standards it sets (Sections 4(1) (k) and 24). Other sector regulatory Authorities are mandated by their establishing Acts to monitor quality and standards of products and services,e.g. Sec. 5(1) (h) of TFDA mandates TFDA to inspect standards.	7. Whenever sector specific regulator is legally mandated to monitor compliance to standards; TBS role should remain at the setting of the standards but enforcement of compliance be left to the sector regulator considering the regulator's capacity	TFDA	
	8. Energy and Water Utility Regulatory Authority Act No. 11, 2001			EWURA	
	9. Occupational Safety and Health Act No.5, 2003			OSHA	
	10. Environment Management Act No. 20, 2004			NEMC	

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
<b>IMMIGRATION AND LABOR ISSUES</b>					
2.	Non Citizen Employment Regulation Act No.1, 2015	No boundaries regarding the circumstances upon which either of the immigration officers, police officers or labor officers should go to inspect.	1. Amend the law to give the routine work permit inspection mandate to only one agency (particularly the labor officer) and whenever there is lack of sufficient personnel from the labor office to administer the inspection, the regulation should) allow either immigration officers or police officers to be used for such purpose, but not both.	IMMIGRATION	2017/18
			2. For emergency inspection coordination needs to be between the police force, immigration office and labor officer.	POLICE	2017/18
			3. Rationalization and harmonization of work permit fees.	MINISTRY OF LABOUR	2018/19 – 2019/20
			4. Harmonize the conditions for the two permits to allow their validity throughout the country.		2018/19 – 2019/20
			5. Amend legislation to remove the conflict so that the permit can be recognized by the labor officers.		2017/18
			6. Legislation should be amended to incorporate clarity on the time it may take an application from the time of launching to the time of permit release.		2017/18

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
	Social Security Regulatory Authority Act No. 8, 2008	1. No coordination as the 6 mandatory Pension Fund Schemes reports to different ministries with different operation rules and procedure.	1. Coordinate all social security schemes under one Ministry except NHIF which should be within the Ministry of Health, Community development, Gender Elderly and Children.	SSRA	2018/19 – 2019/20
		2. Inspections by the pension funds at workplaces with regard to social securities matter include registration of workers and submission of related contributions.	3. Review social securities policies and laws		2018/19 – 2019/20
		4. The SSRA Act gives flexibility to employees to register to the schemes of their choice and be managed according to the Acts establishing the selected scheme.	5. Collapse the schemes to two main funds; private and public sector separately.		2018/19 – 2019/20
			6. Inspections on registration to the schemes should be coordinated under the auspices of SSRA in the mean time, pending the amendment of the laws.		2017/18
	SSRA Act No. 8, 2008	1. The SSRA requirements needed for registering a company/employer are almost the same as those of BRELA, hence duplications as the data systems are not synchronized. 2. Tanzania Employment Service Agency is responsible for registering agencies dealing with employment services therefore there are conflicting issue in relation to charging for registration to BRELA and TAESA.	1. Synchronize the data systems of the two agencies to reduce duplications in compliance to documentation requirements. 2. Harmonize the procedure so that company registration can be done by a single agency, and provide the labor division with relevant information for regulation.	SSRA BRELA TAESA	2018/19 – 2019/20  2018/19 – 2019/20

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
	Social Security Regulatory Authority Act No. 8, 2008	1. Remitting funds to pension schemes is a problem as there is a lack of a centralized payment system hence employers are required to remit such contributions to multiple schemes. The rates to be deducted differ.	1. Centralize and automate employers' registration and remittance of contribution collections	SSRA	2018/19 – 2019/20
			2. Merge the social security funds into two schemes, one for government and another for private sector		2018/19 – 2019/20
			3. Harmonize deduction rates among all social security schemes.		2018/19 – 2019/20
			4. Create a conducive environment to encourage employees in the formal sector to join schemes.		2018/19 – 2019/20
			5. Amend Sect 31 of SSRA Act, 2008 Cap 135 to allow informal sector into schemes.		2018/19 – 2019/20
			6. Establish centralized payments to informal sector groups.		2018/19 – 2019/20
<b>TOURISM SECTOR</b>					
	The Wildlife Conservation (Tourism Hunting) Regulations, 2015,	Duration of investment permits issued by the Wildlife division under MNRT and TIC differ in validity periods as up to 5 years and 30 years respectively. This contradiction causes confusion among the business community.	Review the guiding laws of Wildlife division and TIC respectively to remove legal contradiction in issuing hunting permits.	Tanzania Investment Centre	2017/18
	The Tanzania Investment Act No.7, 2007	Double payment in TTLB licensing of hunting as professional hunters are required to pay while their employers are also supposed to pay for TTLB license.	Review regulations and remove the double licensing element in hunting tourism and review the law requiring training of local professional hunters.	MNRT	2017/18

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
<b>AGRICULTURE SECTOR</b>					
	1. VAT Act No. 24, 2007	1. The Act does not accommodate a range of modern horticultural inputs and equipment in its list of exemptions, including dam liners for irrigation technology, spare parts for greenhouses, biological control agents, agro nets, plant protection substances, and storage, post harvest and cooling equipment.	1. Amend the VAT Act 2014 to accommodate modern horticultural inputs and equipment in its list of exemptions, including dam liners for irrigation technology, spare parts for greenhouses, biological control agents, agro nets, plant protection substances, and storage, post harvest and cooling equipment.	TRA	2017/18
	Grazing Land and Animal Feed Resources Act No 13, 2010	2. Overlap in the control of import and export of animal feeds (crop byproducts-soya bean cake, maize brain), which is regulated through the Animal Diseases Act of 2003 and its Regulations of 2007 and the Department of Plant Protection Phytosanitary.	2. DPM to handle the issue of registration of manufactures and suppliers/distributors of animal feeds.  The control of the import and export of animal feeds could be handled by DVS in the interest of veterinary public health, where necessary in collaboration with the Department of Plant Protection.		2018/19 – 2019/20
	The Dairy Industry Act No.8, 2004	3. The Importation and exportation of milk and milk products is regulated by the Tanzania Dairy Board (TDB) and the Directorate of Veterinary Services (DVS) and charges differs as the TDB charges FOB value of 1% while DVS charges are based on weight in kgs.	3. DVS/TDB should import/export of milk and milk production based on consignment; and consider refraining from charging exports.	TDB	2018/19 – 2019/20

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
	Animal Diseases Act No.17, 2003	4. Conflicting duties with TBS on quality aspects.	4. As an interim measure, TDB and DVS (both under one Ministry) should enter an MoU to iron out the observed challenges while measures are taken to change the law to reflect the recommendations made herein.	TFRA	2017/18
	Tanzania Fertilizer Act No. 9, 2009	5. Overlap with respect to the registration of acaricides where the registration is done by the Directorate of Veterinary Services through the Animal Diseases Act while the tropical pesticides research institute also registers the acaricides.	5. TDB should be responsible for coordination of registration of premises/business names/processors or manufacturers.	DPM	2017/18
		6. The TDB also issues import permit to control the importation of dairy products. However the holders of this permit are also subjected to approval issued by the Division of Veterinary Services and TFDA.	6. Revert to zero rating of the sub-sector inputs	Ministry of responsible for Agriculture	2017/18
		7. Lack of clarity in the definition of “processed” and “unprocessed milk” in the VAT Act, 2014.	7. Amend the law to charge VAT on processed milk.		2017/18
		8. Another conflicting agency is the Weights and Measures Agency. Where TFRA plays the same role as that of WMA, in addition to foreseeing packaging	8. Review the legal framework to remove the conflicting and overlapping mandates between TFRA and other regulatory agencies.		2018/19 – 2019/20

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
<b>TRANSPORT AND LOGISTICS</b>					
	1. Local Government (District Authorities) Act No. 7, 1982	1. LGAs have the power to make by-laws which may prescribe reasonable fees, charges, tariffs or other charges relating to any license, permit or document granted.	1. LGAs by laws to specify the exact amount of fees associated with the permit. The Minister responsible for LGAs should institute regulations to direct an indicative fee range within which all LGAs' fees will fall.	LGA	2018/19 – 2019/20
	2. Local Government (Urban Authority) Act No. 8, 1982	2. Inconsistencies in the by-laws.	2. Create a one-window facility which will issue single permits to be used across the LGAs.	TFS	
	3. Tanzania Forest Act No. 7, 2002	3. LGAs by laws do not state the amount to be paid for the permit, neither the procedure to be followed.	3. Harmonizing the TRA and TFS regulations to remove such controversies. Either TRA should relax its regulatory condition for such types of cargo or TFS should relax the requirement of no-transportation of the forestry products beyond 18:00 pm.	LGA TFS TRA SUMATRA TBS TFS	
	4. TRA Act No. 11, 1995	4. TFS issues permits for transportation of forestry products while prohibiting transportation of forest products beyond 18:00 pm. At the same time TRA requires that trucks with transit goods should report at every earmarked station at a stipulated time which is sometimes beyond 18:00 hrs. In complying with TFS requirement trucks can end up breaching the TRA requirement leading up to penalties.		LGA TFS TRA SUMATRA TBS TFS	
	5. SUMATRA Act No. 9, 2001				
	6. Standard Act No. 2, 2009				

Sn	Relevant Law(s)	Emerging Issues	Recommendations	Responsible Authority	Time Frame
<b>CONSTRUCTION SECTOR</b>					
	1. The Architects and Quantity Surveyors (Registration) Act No. 4, 2010	1. Unnecessarily Long time taken to register a firm or professional.	1. Reduce the time taken to register an individual professional or a firm	CRB	2017/18
	2. Engineers Registration Act No. 15, 1999	2. Multiplicity of regulators some with duplicative/ conflicting mandates	2. Extend the certificate/ license/permit validity from one year to five years in the case of engineers, firms and technicians by reviewing the Engineers Registration Act.		2017/18
<b>MINING SECTOR</b>					
	1. Local Government (District Authorities) Act No. 7, 1982	1. There are variations in LGAs fees on sand extraction sub sector as they are guided by LGA specific by-laws	1. Standardize LGA payments and fees concerning activities in the mineral sector	Local Government	2018/19 – 2019/20
	2. Local Government (Urban Authorities) Act No. 8, 1982	2. The radioactive fees which are paid for each ton of exported clinker act as export tax, thus eroding competitiveness of domestic producers and jeopardizing exportation of the material	2. Review regulations on radioactive fees subjected to the cement raw materials with the view to improving competitiveness.		2018/19 – 2019/20
<b>HEALTH SECTOR</b>					
	Private Hospitals (Registration) Act, 1997	Unnecessary delays in obtaining the relevant permits/licenses to operate health facilities	Review the legal framework to allow temporary permits/licenses and decentralize decision making for those aspects that are still performed at the Ministry Headquarters.	Ministry of Health	2018/19 – 2019/20

**Reform Matrix A2: Action Plan for establishment of One stop centers in Tanzania**

	Component	Description	Activities	Responsible institution	Time frame	Output/indicators	
<b>Phase I</b> (Phase of initial set up of the OSS facilities)- Short-term	Zonal One stop Shops (One door model)	One stop facility with mandates to approve/reject equivalent to the MDAs.	1	Setting up facilities	TAMISEMI		-Availability of physical office space within which the One stop facility shall be established
			2	Equipping the facilities with necessary infrastructures	Regulatory institutions and other MDAs		Well-equipped office spaces with necessary infrastructures (both hard and soft) to provide regulator specific services
			3	Hiring, training and deployment of human resources	Regulatory institutions and other MDAs/ President office (Utumishi)		Well trained human resources from respective regulators/ MDAs are on the zonal work station
			4	Launching of one shop centre in the selected zones (start operation)	PO –UTUMISH, TAMISEMI and respective MDAs	JULY 1, 2018	Citizens are able to get all key Government services in one stop shop.
			5	Monitoring and evaluation	PO – UTUMISH, TAMISEMI and respective MDAs		Citizen are highly satisfied by services offered in Government one stop shop
	LGA level (in the districts) one window stop centers in all districts within Dar es Salaam and Mwanza	One window facility with only a few representative staffs advise, verify the applications, collect and submit them to the regional one door stop facilities	1	Setting up facilities	TAMISEMI		-Availability of physical office space within which the One stop facility shall be established
			2	Equipping the facilities with necessary infrastructures	Regulatory institutions and respective MDAs		Well-equipped office spaces with necessary infrastructures (both hard and soft) to provide regulator specific services
			3	Hiring, training and deployment of human resources	Regulatory institutions and other MDAs/ President office (Utumishi)		Well trained human resources from respective regulators/ MDAs are on the zonal work station
			4	Launching of one shop centre in the selected zones (start operation)	PO –UTUMISH, TAMISEMI and respective MDAs		Citizens are able to get all key Government services in one stop shop.
			5	Monitoring and evaluation	PO –UTUMISH, TAMISEMI and respective MDAs		Citizen are highly satisfied by services offered in Government one stop shop

	Component	Description		Activities	Responsible institution	Time frame	Output/indicators
<b>Phase II</b> (Phase of expanding authorization services to regional level  Medium term	Regional One door stops centers in Dar es Salaam and Mwanza	One stop facility with representative staffs from all the identified regulators/ institutions, who will have no direct contact with customers but receive and forward back documents from/ to LGA's One Window Stops	1	Setting up facilities	TAMISEMI		-Availability of physical office space within which the One stop facility shall be established
			2	Equipping the facilities with necessary infrastructures	Regulatory institutions and respective MDAs		Well-equipped office spaces with necessary infrastructures (both hard and soft) to provide regulator specific services
			3	Hiring, training and deployment of human resources	Regulatory institutions and other MDAs/ President office (Utumishi)		Well trained human resources from respective regulators/ MDAs are on the zonal work station
			4	Launching of one shop centre in the selected zones (start operation)	PO –UTUMISH, TAMISEMI and respective MDAs		Citizens are able to get all key Government services in one stop shop.
			5	Monitoring and evaluation	PO –UTUMISH, TAMISEMI and respective MDAs		Citizen are highly satisfied by services offered in Government one stop shop
	LGA level (in the districts) one window stop centers in all districts within Dar es Salaam and Mwanza	One window facility with only a few representative staffs advise, verify the applications, collect and submit them to the regional one door stop facilities	1	Setting up facilities	TAMISEMI		-Availability of physical office space within which the One stop facility shall be established
			2	Equipping the facilities with necessary infrastructures	Regulatory institutions and respective MDAs		Well-equipped office spaces with necessary infrastructures (both hard and soft) to provide regulator specific services
			3	Hiring, training and deployment of human resources	Regulatory institutions and other MDAs/ President office (Utumishi)		Well trained human resources from respective regulators/ MDAs are on the zonal work station
			4	Launching of one shop centre in the selected zones (start operation)	PO –UTUMISH, TAMISEMI and respective MDAs		Citizens are able to get all key Government services in one stop shop.
			5	Monitoring and evaluation	PO –UTUMISH, TAMISEMI and respective MDAs		Citizen are highly satisfied by services offered in Government one stop shop

	Component	Description		Activities	Responsible institution	Time frame	Output/indicators
<p><b>Phase III</b> (with possibility of skipping other phases)</p> <p>(Phase of heavy investment in integrating databases of various agencies)</p> <p>Long term Re-engineering, automation, integration and roll-out of digital services</p>	Regional One door stops centers in Dar es Salaam and Mwanza	One stop facility with representative staffs from all the identified regulators/ institutions	1	Commence the construction of ICT facilities by phases	TAMISEMI and respective MDAs		
			2	Construction and strengthen of ICT Infrastructure	TAMISEMI and respective MDAs		
			3	automation, integration and roll-out of digital services	TAMISEMI and respective MDAs		applications are submitted and processed electronically
	LGA level (in the districts) one window stop centers in all districts in the country	One window facility with only a few representative staffs advise, verify the applications, collect and submit them to the regional one door stop facilities	1	Setting up facilities	TAMISEMI		-Availability of physical office space within which the One stop facility shall be established
			2	Equipping the facilities with necessary infrastructures	Regulatory institutions and respective MDAs		Well-equipped office spaces with necessary infrastructures (both hard and soft) to provide regulator specific services
			3	Hiring, training and deployment of human resources	Regulatory institutions and other MDAs/ President office (Utumishi)		Well trained human resources from respective regulators/ MDAs are on the zonal work station
			4	Launching of one shop centre in the selected zones (start operation)	PO –UTUMISH, TAMISEMI and respective MDAs		Citizens are able to get all key Government services in one stop shop.
				Monitoring and evaluation	PO –UTUMISH, TAMISEMI and respective MDAs		Citizen are highly satisfied by services offered in Government one stop shop



**Reform Matrix A3: Inventory of Licenses and Permits and Associated Recommended Reforms**

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
1	Excavation / collectors License	Antiquities Division	Antiquities Act 1964, Cap.333	7	None	None	None	KEEP
2	Export Permit/ License	Antiquities Division	Antiquities Act 1964, Cap.333	5	None	MITI	Export license	KEEP: MITI should stop issuing this export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
3	Treasure Investigation License	Antiquities Division	Antiquities Act 1964, Cap.333	5	None			KEEP
4	Filming Permit	Antiquities Division	Antiquities Act 1964, Cap.333	5	None	TCRA and BASATA	TCRA and BASATA do not issue any permits related to filming but inspect the content. COSOTA registers the copyright	KEEP: These should co-exist
5	Registration certificates	Architects and Quantity Surveyors Registration Board (AQRB)	Architects and Quantity Surveyors (Registration) Act No.4 of 2010	120	None	None	None	KEEP: Registration of professions is an important regulatory act

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
6	Temporary Industrial License -three years, Permanent Industrial license-lifetime	BRELA	The National Industries (Licensing and Registration) Act Cap. 46 R.E.2002	5	None	None	None	KEEP
7	Export Permit	Cashewnut Board of Tanzania	Cashewnut Industry Regulation 29(2)(c)	1	None	MITI, TFDA	MITI issues export license and TFDA inspects and issues exportation certificate	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
8	Processing License	Cashewnut Board of Tanzania	Cashewnut industry regulation 29(2)(b)	7	None	None	None	KEEP
9	Buying License	Cashewnut Board of Tanzania	Cashewnut industry regulation 29 (2)(a)	1	None	LGA (e.g. Masasi Municipal Council also issues Permit to buy crops)	Permit to Buy crops	KEEP: Cashew Board to issue the permits and LGAs to recognize the mandate enforce compliance to their use
10	Water and Sanitation Services License	Energy and Water utilities Regulatory Authority	Water and Sanitation Services License	60	None	None	None	KEEP: But EWURA should reduce the time taken to issue the license
11	Electricity operation license(Cross Border Trade of Electricity)	Energy and Water utilities Regulatory Authority	Section 8 of the Electricity Act, 2008, The Electricity (General) Regulation, 2011,	40	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
12	LPG Wholesale Business License	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA	60	None	LGA/MITI	Business License	KEEP: EWURA is better equipped to regulate the gas industry. LGA/MITI should stop issuing the export/ import license for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
13	Electrical Installation Licenses Class A, B, C, D, S1, S2, S3, S4, L	Energy and Water utilities Regulatory Authority	Rule 4(1),6(1) of The electricity (electrical installation services) Rules	40	None	None	None	KEEP
14	Electricity operation license (Transmission)	Energy and Water utilities Regulatory Authority	Section 8 of the Electricity Act, 2008, The Electricity (General) Regulation, 2011,	40	None	None	None	KEEP
15	Construction Approval for LPG storage facility	Energy and Water utilities Regulatory Authority	Section 126 of the Petroleum Act, Cap 392, Section 7 of EWURA Act, Cap 414, Rule	30	None	LGA, OSHA, Fire department	LGAs issue a building permit, OSHA and Fire Department also issue building inspection and safety certificate	REMOVE: LGA should be the only custodian for building permits issuance which caters for all necessary requirements including those of specific sectors. Sector specific regulators (e.g. EWURA) and cross-cutting regulators should submit their requirements to LGAs and recognize the permit issued by the latter.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
16	<b>Petroleum Lubricant Distribution License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA Act	60	None	LGA	Business license	KEEP: EWURA is better equipped to regulate the petroleum industry. LGA can maintain issuing of business license for record purposes but with less or no fee
17	<b>Construction Approval for Petrol Stations</b>	Energy and Water utilities Regulatory Authority	Section 126 of the Petroleum Act, Cap 392, Section 7 of EWURA Act, Cap 414.	30	None	LGA, OSHA, Fire department, NEMC	LGAs issue a building permit, OSHA and Fire Department also issue building, inspection and safety certificate, NEMC issues an EIA certificate	REMOVE: LGA should remain the custodian for building permits issuance and should cater for all necessary requirements including those of specific sectors. Sector specific regulators (e.g. EWURA) and cross-cutting regulators should submit their requirements to LGA and recognize the permit issued by the latter.
18	<b>Petroleum Storage Business License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA	60	None	LGA	Business License	KEEP: EWURA is better equipped to regulate the petroleum industry. LGA can retain issuing of business licenses for record purposes but with less or no fee
19	<b>Pipeline License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA	60	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
20	<b>Electricity operation license (Supply)</b>	Energy and Water utilities Regulatory Authority	Section 8 of the Electricity Act, 2008, The Electricity (supply services) Rules,	40	None	None	None	KEEP
21	<b>Petroleum Lubricant Wholesale Business License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA	60	None	LG/MITI	Business License	KEEP: EWURA is technically better positioned to regulate the quality of imported petroleum products. However there is a need to speed up the process. MITI to continue to issuing the license for record purposes without or with only little fee.
22	<b>Electricity operation license (Distribution)</b>	Energy and Water utilities Regulatory Authority	Section 8 of the Electricity Act, 2008, The Electricity (distribution services) Rule	40	None	None	None	KEEP
23	<b>Petroleum Wholesale License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA Act	60	None	MITI	Business/ Importation license	KEEP: EWURA is technically better positioned to regulate the quality of imported petroleum products. However there is a need to speed up the process. MITI to continuing issue the license for record purposes without or with only little fee.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
24	<b>Electricity operation license (Generation)</b>	Energy and Water utilities Regulatory Authority	Section 8 of the Electricity Act, 2008, The Electricity (generation services) Rule	40	None	None	None	KEEP
25	<b>Petroleum Retail License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA Act	60	None	LGA	Business license	REMOVE: Business licenses issued by LGA should suffice. EWURA should continue with the necessary inspections (associated with charges/ fees) to enforce quality and safety compliance
26	<b>LPG Distribution License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA Act	60	None	None	None	KEEP: licensing for the gas distribution pipeline (local) should remain under EWURA. However, if distribution is relaxed to also allow transportation of LPG cylinders from one point to another then there shall be a duplication with the SUMATRA (goods transportation license)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
27	<b>Construction Approval for Petroleum Storage Depots</b>	Energy and Water utilities Regulatory Authority	Section 126 of the Petroleum Act, Cap 392, Section 7 of EWURA Act, Cap 414.	30	None	LGA, OSHA, Fire department, NEMC	LGAs issue building permits, OSHA and Fire Department also issue building inspection and safety certificate, NEMC issues an EIA certificate	KEEP: EWURA is best suited technically to assess the eligibility criteria for the depots. LGA should require both EWURA and NEMC licenses for issuance of building permits. However, OSHA and Fire Department should submit their requirements to LGAs to be considered for issuance of building permit
28	<b>Consumer Installation License</b>	Energy and Water utilities Regulatory Authority	Section 131 & Section 133 of the Petroleum Act, Cap 392, Section 7 of the EWURA Act	60	None	None	None	KEEP: but the authority should speed up the process
29	<b>Engineers, Firms &amp; Technicians Registration Practice License</b>	Engineers Registration Board	Section 10, 11, 12 of Act No.15 of 1997. (Cap 63 )	7	None	None	None	KEEP
30	<b>Practicing License</b>	Environmental Health Practitioners Registration Council (EHPRC)	Section 20 of the Act, Regulation 7 of the EHPR (General) Regulations GN 388 of 3	14	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
31	Permit for Import of Fish and Fishery Products	Fisheries Division	Regulation 91(C)	7	TBS, TFDA, TAEC, TRA	TBS,TFDA, TAEC, TRA, MITI	Fish importation license by both MITI and TFDA. TAEC monitors radioactivity in imported and exported foodstuffs and issues a compliance certificate based on the IAEA Basic Safety Standard 115.	REMOVE: TBS should only set standards. TFDA should be mandated to inspect,pre- test and issue the importation permit. REMOVE the Fisheries Department mandate to issue import permits. MITI should stop issuing export/ import license on the same.
32	Export License for Fish and Fishery Products	Fisheries Division	Regulation 13	1	None	MITI,TFDA	MITI issues export license and TFDA inspects and issues exportation certificate	KEEP: MITI should stop issuing the license. TFDA usually issues the certificate of food exports only if requested
33	Approval Certificate for means of Transport for Fish and Fishery Products	Fisheries Division	Regulation 83	14	None	SUMATRA	SUMATRA issues certificates for vehicles carrying goods	KEEP: While SUMATRA issues a very general certificate, the Fisheries Division is more specialized on carrier requirements for fish transportation.

Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
34	Fisheries Division	Regulation 75	1	None	TBS, TFDA, OSHA	TFDA inspects the premises and issues a registration permit to premises that deal with selling of food. The inspection includes sanitary facilities, health measures, cleaning of utensils, etc	REMOVE: Fisheries division to recognize certificates issued by TFDA. The Division should only enforce compliance. Some of the components inspected by OSHA (e.g. ventilation, sewage system, etc.) are covered by the TFDA certificate. In such cases OSHA should also be used to monitor and enforce compliance
35	Fisheries Division	Regulation 95	1	None	MITI, TFDA	MITI issues export license and TFDA inspects and issues exportation certificate	KEEP: MITI should stop issuing of the license . TFDA usually issues certificate of food exports only if requested
36	Fisheries Division	Regulations: 11, 12 & 13	4	SUMATRA	SUMATRA, LGAs	SUMATRA inspects and issues a license to operate a fishing vessel. Some LGAs (e.g. Mwanza CC) issue fishing vessel licenses	REMOVE: The mandate to issue the fishing vessel license should be left to SUMATRA.

Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
37	Fisheries Division	Regulation 93(6)	1	None	TFDA, Fisheries division	TFDA inspects and certifies fish transportation vessels. Fisheries Division also issues Approval Certificates for means of Transport for Fish and Fishery Products, which saves the same purpose	REMOVE: Issuance of Approval Certificate for means of Transport for Fish and Fishery Products by the same agency would be more efficient. TFDA should set the standards applicable to transporting vessels and the Fisheries Division should issue permits based on the stipulated standards
38	Fisheries Division	Regulation 75	14	TFDA,	TFDA, MITI, LGAs	MITI provides business license; TFDA also issues business license to sell food products including fishery products; LGAs also issue business licenses	REMOVE: Issuance of business licenses should remain with either MITI or LGAs. TFDA should continue playing the role of safeguarding safety standards for the premises and food.
39	Fisheries Division	Regulation 77 (11), 80(7), 81 (7)	14	TBS, TFDA	TBS, TFDA	TFDA inspects the premises and issues registration permits for premises that deal with selling of food.	KEEP: The mandate to approve and register fishery establishment should be left to the fisheries Division.. TBS and TFDA should only set the standards to be applied by the division.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
40	Certificate of registration for fishing vessels	Fisheries Division	Regulations: 4, 8, 11, & 13	14	SUMATRA	SUMATRA, LGAs	Licensing of fishing vessels is done by SUMATRA while permits for fishing vessel are given by LGAs	REMOVE: Registration and licensing of vessels be left to SUMATRA. LGAs and Fisheries Division to only monitor compliance of vessel owners  KEEP: MITI should stop issuing the license. TFDA usually issues the certificate of food exports only if requested
41	Permit For Export of Fish and Fishery Products	Fisheries Division	Regulation 75	1	None	MITI, TFDA	Fish importation licenses are issued by both MITI and TFDA.	KEEP: MITI should stop issuing the export/import licenses for the same. For office operation, MITI will receive data from sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
42	Permit on export	Government chemist Laboratory Agency (GCCLA)	Regulation 3,	3	None	MITI	MITI issues export licenses	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
43	Permit on import	Government chemist Laboratory Agency (GCCLA)	Regulation 10	3	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
44	Transport permit	Government chemist Laboratory Agency (GCCLA)		1	None	None		KEEP
45	Certificate	Government chemist Laboratory Agency (GCCLA)	Section 11, 12, 13,14 , 15 & 29 Industrial and Consumer Chemicals (Management and Control) Act, No.3 of 2003	90	None	None	None	KEEP
46	Permit on-transit	Government chemist Laboratory Agency (GCCLA)	Regulation 10	1	None	None		KEEP
47	Residence permit, Class A.	Immigration Department	The Immigration Act (Cap.54) GN.262		None	None	None	KEEP: but there is a need to harmonized the geographical coverage of the permit (as stipulated in the Immigration Act, 1995; sect 19(2)(a)) to that of the working permit; also a need to speed up the processing time
48	Residence permit, Class C.	Immigration Department	The Immigration Act (Cap.54) GN.262		None	None	None	KEEP: but there is a need to harmonized the geographical coverage of the permit (as stipulated in the Immigration Act, 1995; sect 19(2)(a)) with that of the working permit; there is also a need to speed up the processing time

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
49	Residence permit, Class B	Immigration Department	The Immigration Act (Cap.54) GN.262		None	None	None	KEEP: but there is a need to harmonized the geographical coverage of the permit (as stipulated in the Immigration Act, 1995; sect 19(2)(a)) with that of the working permit; also a need to speed up the processing time
50	Fees and Charges for goods and services permits	LGAs	By-Laws on transportations of goods and services.		None	None	None	KEEP
51	Tax Driving License	LGAs			None	None	None	KEEP
52	Business License	LGAs	Business Licensing Act		None	Sector specific business permits (e.g. TFDA, Meat board, etc.)	Several: e.g. TFDA for food related business, Meat Board for meat, dairy board, MALF-Directorate of veterinary services, etc.)	KEEP: but whenever sector specific business permit is issued LGAs should recognize the permit and lower or remove the fees for their respective licenses and ease the requirements
53	Livestock movement Permit	LGAs	The Animal and Disease Control Act, 2013	1	None	Directorate of Veterinary Services, Tanzania Meat Board	They both provide a registration certificate for livestock producers	REMOVE: Possession of livestock production registration certificate should imply the permission to move the livestock

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
54	<b>Fishing License</b>	LGAs	The Fishing Act of 2003	1	None	Fisheries division	The Fisheries Division issues a License for Fishing or Dealing in Fish and Fishery Products	REMOVE: The mandate to issue fishing licenses should remain with the Fisheries Division
55	<b>Fees and Charges on Parking</b>	LGAs	Sheria Ndogo za Ada na Ushuru za Halmashauri ya Wilaya ya Chunya		None	None	None	KEEP
56	<b>Liquor License</b>	LGAs	Liquor Licensing Act, No 28/68	2	None	TFDA, LGA	Same LGA issue Business Licenses to Bars; TFDA issues certificates, BUT the Liquor License Act No.28 of 1968 clearly states that the License need to be issued by LGAs	KEEP: but simplify the procedures; consolidate fees and extend the period of validity from 6 to 12 months.
57	<b>Building Permit</b>	LGAs	Urban planning Act No 8 of 2007	2	None	Sector specific regulators (e.g. fisheries division), OSHA, TIC	Sector specific regulators (e.g. Fisheries Division) issue building approval Certificates; OSHA also issues approvals for factory/ premises drawings TIC issues Construction permits,	KEEP: LGAs should continue issuing building permits. However, all sector specific and cross-cutting regulatory agencies (e.g. OSHA, TIC, etc.) should decentralize their requirements on operations or standards, in collaboration with LGAs, to avoid duplication (of procedures, requirements and ultimately permits)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
58	<b>Fees and charges, permit to buy Crops</b>	LGAs	Stated in the by-law Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Mji wa Ka	1		None	None: but the procedures related to the charging are adhoc, a maximum 5% rate is charged on gross value of the crops instead of net value, which is too high; exact rates vary significantly across LGAs and several LGAs. By-laws do not articulate the rate size.	KEEP: but simplify the procedures, lower the maximum rate size and each LGA should stipulate the figure in their respective By-Laws
59	<b>Livestock permit</b>	LGAs	Kilindi District Council (LGA)	1	None	Directorate of Veterinary Services; Tanzania Meat Board	They both issue registration certificates to livestock producers	REMOVE: Possession of livestock production registration certificates should imply permission to move the livestock
60	<b>Bus stand fees</b>	LGAs	By-laws on bus and stand fees		None	None	None	KEEP
61	<b>Permits for Hostel business</b>	LGAs	Sheria Ndogo za (Afya na Usafi wa mazingira) 2015-Rejea kifungu cha 20(1)(3) na a	7	None	None	None	KEEP
62	<b>Permits for Crop Transportation</b>	LGAs	Sheria Ndogo za Halmashauti ya wilaya ya Korigwe (Ushuru wa mazao) (Marekebisho)	7	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
63	TFDA/Pharmacy permits	LGAs	TFDA Act 2003	2	TFDA	TFDA, Pharmacy council	Pharmacy council issues premise registration licenses	REMOVE: The responsibility to register and issue pharmacy licenses should remain with the pharmacy council. LGAs should only issue business licenses
64	Market fees	LGAs		2	TFDA	None	None	KEEP
65	Meat Inspection fees	LGAs	Sheria Ndogo za Machinjio	2	TFDA	TFDA, Directorate of Veterinary Services, Tanzania Meat Board	TFDA issues Food registration certificates; TMB handles Meat registration; DVS issue registration certificates	REMOVE: The mandate to regulate the meat and related matters should be left with TMB only. OSHA, DVS, and TFDA should recognize the certificates issued by TMB
66	Bus stand fees	LGAs	Government notice no 495 of 2010	2	TFDA	None	None	KEEP
67	Parking fees	LGAs	Sheria Ndogo za Maegesho	2	TFDA	None	None	KEEP
68	Land Rent	LGAs	Sheria Ndogo	2	TFDA	None	None	KEEP
69	Service Levy	LGAs	Korogwe town council by-laws	2	TFDA	TRA	TRA charges Corporate Income taxes and LGAs charge Service Levy	KEEP: TRA and LGAs to consolidate assessment procedures and payment of Corporation taxes and Service Levy

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
70	<b>Crop Cess</b>	LGAs	Government Notice no. 480 of 2010	2	None	None	None: But the procedures relating to Cess charging are adhoc; the maximum rate of 5% is charged on gross value of the crops instead of net value, which is too high; exact rates vary significantly across LGAs and several LGAs; By-laws do not articulate the rate size.	KEEP: But simplify the procedures, lower the maximum rate size, make it constant across LGAs, and each LGA should stipulate the figure in their respective By-Laws
71	<b>Transport Permit</b>	LGAs	Kwimba produce cess by-law of 2009	1	None	None	None	KEEP
72	<b>Hotel Levy</b>	LGAs	The Local Government Finance Act, Cap 290 RE 2002	1	None	Ministry of Tourism and Natural Resources	Ministry of Tourism charges the same but to a different category of hotels	KEEP: to be charged only on the relevant category (i.e. guest houses) but reduce the current levy rate of 20% of revenue
73	<b>Permit for market levies</b>	LGAs	Sheria Ndogo za Ushuru		None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
74	Permit for Cultural shows	LGAs	Sheria Ndogo za maonesho ya utamaduni	1	None	The National Arts Council (BASATA)	BASATA also issues Permits to perform cultural shows (i.e. vibali vya kuendesha matamasha)	REMOVE: The LGAs should recognize the permits issued by BASATA. Cultural show performers may need to pay some service fee.
75	Permit for Disco	LGAs	Sheria Ndogo za burudani	1	None	LGA-Mbinga	permit for music performance	KEEP: LGAs should harmonize this fee with that payable for music; there is no clear cut separation between the two
76	Permit for Music	LGAs	Sheria Ndogo za burudani	1	None	LGA-Mbinga	Permit for disco performance	REMOVE: The permit to play disco seems to also capture the music aspect
77	Permit for business promotion	LGAs	Sheria Ndogo	1	None	None	None	KEEP
78	Permit for purchasing mixed crops	LGAs	Sheria Ndogo za mazao mchanganyiko	1	None	Relevant crop boards	Permits/Licenses	KEEP: but whenever a crop specific board permit is issued, LGAs need to recognize the permit and lower or remove the fees for their respective license and ease the requirements
79	Permit for purchasing coffee	LGAs	Sheria Ndogo	30	None	Tanzania Coffee Board	Coffee Buyer license	REMOVE: LGAs should recognize the licenses issued by the crop boards for the same purpose.
80	Permit for selling mixed crops	LGAs	Sheria Ndogo za mazao mchanganyiko	1	None	Sector regulator	Permit/license	Reduce some of permits where possible.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
81	Permit for selling coffee	LGAs	Sheria Ndogo za mazao	30	None	Tanzania Coffee Board	Coffee selling license	REMOVE: LGAs should recognize the license already issued by the board to the sellers
82	Permit For Harvesting Trees/ Forest Produce (Timber)	LGAs	LGA by-law (Ada na Ushuru) Section 4(1) part VII; Guidelines for sustainable bee keeping	2	Missenyi District by-laws 2011	Forest and Bee Keeping Division at the Ministry of Natural Resources and Tourism	Permit	REMOVE: LGAs should recognize harvesting permits issued by the Forest and Bee Keeping Division
83	Permit For Harvesting Trees/ Forest Produce (Charcoal)	LGAs	LGA by-law (Ada na Ushuru) Section 4(1) part VII, Guideline for sustainable bee keeping	2	Missenyi District by-laws 2011	Forest and Bee Keeping Division at the Ministry of Natural Resources and Tourism	Permit	REMOVE: LGAs should recognize the harvesting permits issued by the forest and Bee Keeping Division
84	Cultural Activities (Disco, Promotions, Video Show Activities)	LGAs	Section 4(1) of the sec(Sheria Ndogo Ndogo za Ada and Ushuru), Missenyi DC		None	The National Arts Council (BASATA)	BASATA also issues Permits for cultural shows (i.e. vibali vya kuendesha matamasha)	KEEP: But LGAs should recognise permits issued by BASATA
85	Permit For Harvesting Trees/Forest Produce(Poles)	LGAs	LGA by-law (Ada na Ushuru) Section 4(1) part VII, Guideline for sustainable bee keeping	2	Missenyi District bylaws 2011	Forest and bee keeping division at the Ministry of Natural resources and tourism	Permit	REMOVE: LGAs should recognize the harvesting permits issued by the forest and Bee Keeping Division

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
86	Permit For Harvesting Trees/ Forest Produce (Log)	LGAs	LGA by-law (Ada na Ushuru) Section 4(1) part VII, Guideline for sustainable bee keeping	2	Missenyi District bylaws 2011	Forest and Bee Keeping Division at the Ministry of Natural Resources and Tourism	Permit  REMOVE: LGAs should recognize the harvesting permits issued by the Forest and Bee Keeping Division
87	Permit For Harvesting Trees/ Forest Produce (Firewood)	LGAs	LGA by-law (Ada na Ushuru) Section 4(1) part VII, Guideline for sustainable bee keeping	2	Missenyi District by-laws 2011	Ministry of Tourism and Natural Resources	Permit  KEEP and harmonise the roles of the Ministry responsible for natural resources with those of LGAs.
88							
89	Billboard Levy	LGAs	Sheria Ndogo za mabango	2		BRELA	BRELA requires business owners to display bill-board signs for the name of the business. LGAs need to only charge for the billboards larger than those specified in BRELA requirement. In addition, there is a significant fee variation among boards of the same features across LGAs  KEEP: the fee should apply only to the boards which are larger than the BRELA stipulated size. Effort to standardize the fee size across LGAs for boards with similar features could reduce the existing confusions.
90	Property Tax	LGAs	Sheria Ndogo za Ushuru	2	None	None	KEEP
91	Local plant Levy	LGAs	Sheria Ndogo	2	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
92	Fishing Vessel License	LGAs	Sheria Ndogo za Uvuvi	1	None	SUMATRA	Vessel Certificate	KEEP; but there should be proper coordination between LGAs and SUMATRA
93	Permit to transport crops	LGAs	By-laws on produce cess GN 169 dated 12/06/2009	1	None	None	None	KEEP
94	License to buy crops	LGAs	By-laws on produce cess GN 169 dated 12/06/2009	1	None	Various crop boards (eg. Cashew nut Board)	crop buyer license	REMOVE: LGAs should recognize licenses issued by the crop boards for the same purpose.
95	Permit on Entertainment Activities	LGAs	Sheria Ndogo za Halmashauri ya Manispaa ya Sumbawanga (Vibali vya Burudani), GN 183/2013		None	None	None	KEEP
96	Health permit	LGAs	Sheria Ndogo za Afya	1	None	None	None	KEEP
97	Abattoir slaughter fee	LGAs	Sheria Ndogo ya kuchinja ya Halmashauri ya mji Tarime ya mwaka 2015, kifungu cha GN 107/2015	1	None	Tanzania Meat Board, Directorate of Veterinary services	Both inspect and certify slaughter facilities on some fees	KEEP: Tanzania Meat Board should only deal with large scale slaughter facilities and delegate, without overlap, small scale slaughter to LGAs
98	Service Levy	LGAs	Local Government Finance Act	1	None	None	None	KEEP
99	Local construction materials	LGAs	Sheria Ndogo ya madini ya ujenzi ya Halmashauri ya Mji Tarime ya mwaka 2015 kifu	1	None	None	None	KEEP

Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
100	Work Permit Class B Labor Department	The Non – citizens (Employment Regulation) Act, 2015	14	None	None	None;but some degree of conflict exists between residence and work permits issued by the Ministry of Home Affairs and Ministry of Labor. While residence permit restricts a person to only a few regions, work permit is applicable in the whole country. Also the total fee charged in both cases is relatively high.	KEEP: but harmonize the geographical coverage of work and residence permits; lower the total processing fee; coordinate the inspection process between the Tanzania Police force, Immigration Division and Labor Division.
101	Work Permit Class D Labor Department	The Non – citizens (Employment Regulation) Act, 2015	14	None	None	None; BUT some degree of conflicts exists between residence and work permits issued by Ministry of Home Affairs and Ministry of Labor. While residence permit restricts a person to only a few regions, work permit is applicable in the country as a whole. Also the total fee charged for the two is relatively too high.	KEEP: but harmonize the geographical coverage by work and residence permit; lower the total processing fee; coordinate the inspection process between the Tanzania Police force, immigration division and labor division.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
102	Work Permit Class A	Labor Department	The Non – citizens (Employment Regulation) Act, 2015	14	None	None	None; BUT there is some degree of conflict between residence and work permits issued by Ministry of Home Affairs and Ministry of Labor. While residence permit restricts a person to only a few regions, work permit is applicable in the whole country. Also the total fee charged for the two is relatively high.	KEEP; but harmonize the geographical coverage of work and residence permits; lower the total processing fee; and coordinate the inspection process between the Tanzania Police force, immigration division and labor division.
103	Work Permit Class C	Labor Department	The Non – citizens (Employment Regulation) Act, 2015	14	none	None	none BUT some degree of conflicts between residence and work permits issued by Ministry of Home Affairs and Ministry of Labor, respectively. While residence permit restricts a person to only a few regions, work permit is applicable in the country as a whole. Also the total fee charged for the two is relatively too high.	KEEP; but harmonize the geographical coverage by work and residence permit; lower the total processing fee; coordinate the inspection process between the Tanzania Police force, immigration division and labor division.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
104	Hides and Skin Import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	none	MITI	MITI also issues the importation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
105	Pig import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	none	MITI,Meat Board	MITI also issues the importation license, Meat Board issues clearance certificates,	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
106	Permit To Import Biological Control Agents	MALF	Plant Protection Act 1997; Plant Protection Regulations 1998	180	None	MITI	MITI issues import license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
107	Rabbits Import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues import licenses	KEEP: Given its regulatory role, the Directorate of Veterinary Services should retain the mandate to issueimport licenses. MITI should stop issuing the same

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
108	Permit to Export Biological Samples	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI issues export licenses	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
109	Permit to export Cats	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues cat exportation licenses	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
110	Game Trophy Export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI; Ministry of Natural Resources and Tourism	Export license and Export permit, respectively	REMOVE: The mandate to issue trophy export permits should remain with the Ministry of Natural resources and tourism. MITI should also continue issuing the license without, or with only little fee

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
111	Milk/milk products Export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI, Dairy Board, TFDA	MITI issues the exportation license; Dairy Board issues clearance certificate; TFDA issues food exports certificates	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
112	Cat Import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing the export/import license for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
113	Registration of hatcheries	MALF	Section 53 of the Animal Diseases Act of 2003 & Regulation 5.	2	None	None	None	KEEP
114	Hatching eggs import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing export/import licenses for hatching eggs. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
115	Semen Import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the importation license	KEEP:MITI should stop issuing export/import licenses for semen. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
116	Registration Certificate	MALF	The grazing land and Animal Feed Resources Act No.13 of 2010 Cap 180, Section 23	30	Animal Diseases Act, 2003. 2; The Dairy Industry Act,2004 no8		MITI also issues the exportation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
117	Permit for importation of Wild Animals	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	Wildlife Division (Ministry of Tourism and Natural Resources); MITI	Wildlife Division issues the animal import permits and MITI issues import licenses	REMOVE: The mandate to issue wildlife importation permits should be left with the Wildlife Division. MITI also continues to issue licenses for record purposes without, or with only little fee and minimum requirements for procedural/documents

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118	Permits for importation of hides and skin	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for hides and skins. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
119	Permits for exportation of Goats	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI; Meat Board	MITI also issues the exportation license	KEEP: The mandate to issue export permits for live domestic animals should remain with to the veterinary division (MALF). MITI should stop issuing the license
120	Application form for registration of Premises	MALF	The grazing land and Animal Feed Resources( Registration of Premises) Regulation		None	OSHA, LGA, TFDA, Fire Department	LGAs issue building permits, OSHA and fire Department also conduct building inspection and safety certification	REMOVE: MALF should recognize the inspection certificates issued by OSHA and the Fire Department. There should also be proper coordination among all agencies inspecting premises
121	Operating Permit	MALF	The grazing land and Animal Feed Resources Act No.13 of 2010 Cap 180, Section 23	1	None	LGAs	Business license, animal movement permit	REMOVE: Business licenses issued by LGA should suffice.
122	Registration of Parent Sock Farm (breeding flock)	MALF	Regulation 8 of the Animal Diseases (Hatcheries and Breeding Flock) Regulations,	2	None	None	None	KEEP

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123	Permit for importation of Embryo	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing embryo export/ import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
124	Registration of slaughter facilities	MALF	Section 53 of the Animal Diseases Act of 2003 & Regulation 5.	2	None	Meat Board, LGA, TFDA	Meat Board and TFDA also register slaughter facilities	REMOVE: The mandate to regulate meat trade and related matters should be left to TMB. LGA, DVS, TFDA should recognize certificates issued by the TMB
125	Permits for exportation of pigs	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues export license	KEEP: The Directorate of Veterinary Services should retain the mandate to issue permits for exportation of pigs, given its regulatory role. MITI should stop issuing licenses for the same
126	Permits for exportation of rabbits	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for rabbits. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
127	Permits for importation of goats	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI, Tanzania Meat Board	MITI also issues import license	KEEP: The Directorate of Veterinary Services should retain the mandate to import goats, its regulatory role. MITI should stop issuing the same
128	Permit for exportation of beef, goat & mutton	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI, Meat Board, TFDA	MITI issues exportation licenses; The Meat Board issues clearance certificates; TFDA issues certificates for food export	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
129	Plant Import Permit (PIP)	MALF	Plant Protection Act 1997 Plant Protection Regulations 1998	180	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
130	Hatching eggs Export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
131	Animal feeds export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
132	Permit for importation of cattle	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI, Meat Board	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
133	Permits for importation of dogs	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
134	Permits for exportation of cattle horns	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
135	Permits for importation of camels	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the importation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
136	Import permit for camel	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	none	MITI	MITI also issues export license	KEEP: The Directory of Veterinary Services to retain the mandate given its regulatory role. MITI should stop issuing the license
137	Certificate of Variety Registration	MALF	Seeds Regulations 2007	1	none	None	none	KEEP
138	Permits for exportation of cattle	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	none	MITI, Meat Board	MITI also issues the exportation license; Meat Board issues clearance certificates; DVS issues Veterinary export certificates	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
139	Permits for exportation of reptiles	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI		KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
140	Permits for exportation of semen	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI		KEEP: The Directorate of Veterinary Services should retain the mandate issue semen exportation permits, given their regulatory role. MITI should not issue the license
141	Permits for exportation of amphibians	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI		KEEP: The Department of Veterinary Services should retain the mandate to issue the permits. MITI should not issue them
142	Plant Breeders' Rights	MALF	Plant Breeders Rights Act of 2012	65	none	None	none	KEEP
143	Biological gallstone export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
144	Certificate of Registration as Seed Dealer	MALF	Seeds Regulations 2007	5	None	LGA	LGA issues Business licenses for the same purpose. If the dealer is involved in importation or exportation then MITI is the responsible licensor	KEEP: This should be issued only for record purposes and without fee payment as the dealer already has the business license from LGA/MITI

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
145	Permits for exporting parent stock Day Old Chick (DOC)	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI, Meat Board		KEEP: MITI should stop issuing export licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
146	Phytosanitary Certificate	MALF	Plant Protection Act 1997 Plant Protection Regulations 1998	300	None	None	None	KEEP
147	Insects export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	None	None	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
148	Wild Animals Export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	none	Wild life Division (Ministry of Tourism and Natural resources), MITI	Wildlife Division issues the animal export permit and MITI issues the export license	REMOVE: Mandate to issue the wildlife export permit should be left to the Wildlife division. MITI should continue to issuing the license for record purposes without, or with only little fee; and with minimum procedural requirements

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
149	Camel Export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the exportation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in short run) or from a coordinated online portal (in mid-term)
150	Milk/milk products Import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI,TFDA, Dairy Board, TBS	MITI also issues import license; Dairy Board (mandated by The Dairy Industry-Import and Export of Milk and Milk Products-Regulations, 2011) and TFDA also issue import permits	REMOVE: Mandate to issue the import permit should remain with the TFDA; Dairy Board should not duplicate the permit; TBS should set the standards which TFDA shall enforce; MITI should not issue the license
151	Game Trophy Import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI, Ministry of Natural Resources and Tourism	MITI also issues the importation license	KEEP:MITI should issue export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
152	Animal feeds import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
153	Permits for importation of Biological Samples	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	None	MITI	The ministry issue import permit and MITI issue import license	KEEP: MITI should issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
154	Parent stock Day Old Chick (DOC) import permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2	none	MITI	MITI also issues the importation license	KEEP: MITI also continues to issue the license for record purposes without or with only little fee and minimum procedural/ documents requirements
155	Embryo export permit	MALF	Regulation 22 of the Animal Diseases (Animal & Animal Product Movement Control)	2		MITI	MITI also issues the exportation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
156	Temporary Registration of Foreigners	Medical Council of Tanzania	Medical Practitioners and Dentists Act Cap. 152 R.E 2002	2	None	None	None	KEEP: There is a need to coordinate all agencies related to hiring of foreign experts including the TCU, migration, and the Labor Division. There is a general concern that the entire process is cumbersome and consumes much time
157	License To Practice	Medical Council of Tanzania	Medical Practitioners and Dentists Act	2	None	None	None	KEEP: There is a need to coordinate all agencies related to hiring of foreign experts including the TCU, Immigration, and the Labor Division. There is a general concern that the entire process is cumbersome and consumes much time
158	Temporary Registration For Citizens	Medical Council of Tanzania	Medical Practitioners and Dentists Act	2	None	None	None	KEEP
159	Certificate Of Good Standing	Medical Council of Tanzania	Medical Practitioners and Dentists Act	2	None	None	None	KEEP
160	Retention Registration	Medical Council of Tanzania	Medical Practitioners and Dentist Act Cap. 152 R.E 2002	2	None	None	None	KEEP
161	Provisional registration	Medical Council of Tanzania	S.15 of Medical Practitioners Act Cap. 152 R.E 2002	1	None	None	None	KEEP: this is issued to citizen practitioners who intend to practice internship
162	Full Registration	Medical Council of Tanzania	Medical Practitioners Act	2	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
163	<b>Full Registration</b>	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act 2007	90	None	None	None	KEEP: the council should shorten the time to issue the registration
164	<b>Enlisting</b>	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act, 2007	90	None	None	None	KEEP: the council should shorten the time to issue the registration
165	<b>Renewal</b>	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act, 2007	90	None	None	None	KEEP: the Council should shorten the time to issue the renewal
166	<b>Retention</b>	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act	7	None	None	None	KEEP
167	<b>Enrollment</b>	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act	90	None	None	None	KEEP: the council should shorten the time to issue the enrollment
168	<b>Temporary Registration</b>	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act	90	None	None	one	KEEP: the council should shorten the time to issue the registration

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
169	Provisional Registration	Medical Radiology and Imaging Professionals Council	Medical Radiology and Imaging Professionals Act	90	None	one	None	KEEP: the Council should shorten the time to issue the registration
170	Permit to manufacture Explosives for Experimental Purposes	Ministry of Energy and Minerals	Section 9 of the Explosives Act, 1963		None	MITI, BRELA	MITI also issues the manufacture license, BRELA issues the Industrial License	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
171	Permit to Construct a Magazine	Ministry of Energy and Minerals	Section 31 of the Explosives Act, 1963		None	MITI	MITI also issues construction licenses, BRELA issues Industrial Licenses	KEEP: MITI should stop issuing export/import licenses same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
172	License for Explosive Store	Ministry of Energy and Minerals	Section 33 and 34 of the Explosives Act, 1963		None	LGAs	LGAs also issues godown license,	KEEP: LGAs also continues to issue the license for record purposes without, or with only little fee and minimum procedural requirements

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
173	License for Acquisition , possession and disposal of explosives	Ministry of Energy and Minerals	Section 24 (1) of the Explosives Act, 1963		None	None	None	KEEP
174	Liquefaction License	Ministry of Energy and Minerals	Section 153 of Petroleum Act, 2015		None	None	None	KEEP
175	Magazine License	Ministry of Energy and Minerals	Section 32 of the explosives Act of 1963		None	None	None	KEEP: Ministry of Energy and Minerals is better placed to regulate the explosive industry. LGA can retain issuing of business licenses for records purposes but with less, or no fee
176	License to Manufacture Explosives (for industrial area)	Ministry of Energy and Minerals	Section 8 of the explosives Act of 1963		None	None	None	KEEP: Ministry of Energy and Mineral is better placed to regulate the explosive industry. LGA/MITI can retain issuing of business licenses for the records purposes but with less, or no fee
177	License to Manufacture Explosives (within mining sites)	Ministry of Energy and Minerals	Section 8 of the explosives Act of 1963		None	None	None	KEEP: Ministry of Energy and Mineral is better to regulate the explosive industry. LGA/MITI can maintain issuing the business license for the records purposes but with less or no fee

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
178	Shipping License	Ministry of Energy and Minerals	Section 154 of Petroleum Act, 2015		None	None	None	KEEP: EWURA is better equipped to regulate the gas industry. LGA/ MITI can retain issuing of the business licenses for record purposes but with less, or no fee
179	Import Permit of Explosives	Ministry of Energy and Minerals	Sections 14, 15 and 16 of the Explosives Act, 1963		None	None	None	KEEP: Ministry of Energy and Mineral is better placed to regulate the explosive industry. LGA/MITI can retain issuing of business license for record purposes but with less, or no fee
180	Re-Gasification License	Ministry of Energy and Minerals	Section 155 of Petroleum Act, 2015		None	None	None	KEEP: EWURA is better equipped to regulate the gas industry. LGA/MITI can retain issuing of business licenses for record purposes but with less, or no fee
181	Permit to Transport Explosives	Ministry of Energy and Minerals	Section 20 of Explosives Act, 1963		None	None	None	KEEP: The Ministry of Energy and Mineral is better equipped to regulate the explosive industry. LGA/MITI can retain issuing of business licenses for record purposes but with less, or no fee

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
182	<b>Blasting Certificate</b>	Ministry of Energy and Minerals	Section 42 of the Explosives Act, 1963	5	None	None	None	KEEP: Ministry of Energy and Minerals is betterequipped to regulate the explosive industry. LGA/MITI can retain issuing of business licenses for record purposes but with less, or no fee
183	<b>Business License</b>	Ministry of Industry Trade and Investment (MITI)	Business Licensing Act No. 25 of 1972 and its amendments	1-2 days	None	None	None	KEEP: But whenever similar license is issued by the sector specific regulator (e.g. Import or export permits) MITI should only issue the license for record purposes, with little or no fee
184	<b>Abnormal load Permits</b>	Ministry of Works Transport and Communications (Works)	Road Traffic Act, 1973 (No. 30 of 1973) and Regulations made under sections 114	1	TANROADS (Copy to be retained at the weighbridge by TANROADS)	TANROADS	None	KEEP
185	<b>Universal Service Levy by holders of communication licenses</b>	Ministry of Works, Transport and Communications (Universal Communications Service)	Section 23 (c) of Universal Communications Service Access Act, No. 11, 2006		None	None	None	KEEP
186	<b>Certificate of Registration (NSSF R.2)</b>	NSSF	Part IV of NSSF Act (Section 11 – 20) [CAP. 50 R.E. 2015],	2	None	None	None	KEEP: there is a need for improved coordination among the social security schemes in the country when visiting office premises.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
187	Certificate of Accreditation	NSSF	Chapter 2 of NSSF SHIB Code	1	None	None	None	KEEP
188	Approved Business Closure Form (NSSF R.7)	NSSF	Chapter 2 of NSSF Compliance Code		None	None	None	KEEP
189	Food commodity Imports and Exports	National Food Security Division	1974, 1994, 1997, 2005	7	None	MITI, TFDA	MITI issues import/export license and TFDA issues import/export permit	REMOVE:TFDA should be mandated to inspect,pre-test and issue importation permit of all food stuffs. REMOVE the mandate to issue the import permit from Division. The Division can KEEP the mandate to issue food export permits. MITI should not issue the license
190	Registration Certificate	Occupational Safety and Health Authority (OSHA)	OHS Act No. 5 of 2003 Section 17 and its Regulations	28	None	None	None	KEEP
191	Compliance Licenses	Occupational Safety and Health Authority (OSHA)	OHS Act No. 5 of 2003 section 17 and its Regulations	14	None	None	None	KEEP
192	License to practice	Optometry Council	Regulation 5(1)	90	None	None	None	KEEP
193	Certificate of enlistment	Pharmacy Council	Pharmacy Act, 2011 Section 28 &29 and The Pharmacy (Registration, Enrollment and	90	None	None	None	KEEP; improve the process to reduce the number of days

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
194	Certificate of full registration	Pharmacy Council	Pharmacy Act, 2011 Section 16 &20	90	None	None	None	KEEP: improve the process towards reducing the number of days spent to complete the process
195	Business Permit	Pharmacy Council	Pharmacy Act, 2011 Section 36 (1) -(4)	90	None	MITI/LGA	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Introduce an electronic system to link Pharmacy Council and Business License Issuing Authorities to fast track the process
196	Certificate of provisional registration	Pharmacy Council	Pharmacy Act, 2011 Section 18 and The Pharmacy (Registration, Enrollment Regulation)	60	None	None	None	KEEP
197	Premises Registration Certificate	Pharmacy Council	Pharmacy Act, 2011 Section 34 (1) & (2) and Pharmacy Practice Regulations, 2012	90	TFDA, OSHA	TFDA, OSHA	TFDA issues a certificate of premise registration and OSHA issues the certificate of work place registration	KEEP: TFDA (in collaboration with the Council) should only set standards and leave registration of premises to the Council.
198	Certificate for approval as provider (of pharmacy and training institution	Pharmacy Council	Pharmacy Act, 2002, Section 38 &The pharmacy (Education and training)Regulations,	90	None	None	None	KEEP: But the Council needs to consider shortening the time taken to issue certificates
199	Certificate of temporary registration	Pharmacy Council	Pharmacy Act, 2011 Section 19 & 20	90	None	None	None	KEEP: But the council may consider shortening the time taken to issue the certificate

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
200	Certificate of full registration (of foreign pharmacist)	Pharmacy Council	Pharmacy Act, 2011 Section 16 & 20 and The pharmacy practice (Registration Regulation)	90	None	None	None	KEEP: But the council may consider shortening the time taken to issue certificates
201	License to practice as medical Representative	Pharmacy Council	The Pharmacy Act 2011, Section 46	30	None	None	None	KEEP
202	Certificate of enrollment	Pharmacy Council	Pharmacy Act, 2011 Section 24 & 25 and The Pharmacy (Registration, Enrollment and	90	None	None	None	KEEP: But the council may consider shortening the time taken to issue certificates
203	Motor Vehicle Inspection Fees	Police Force of Tanzania	The Road Traffic Act	1	Some how looks like it has a link with Road License fees charged by TRA	None	None	KEEP
204	Notification of Traffic Offence	Police Force of Tanzania	The Road Traffic ACT, 1973 CAP 168 R.E 2002 Notification of Traffic Offences.		None	None	None	KEEP
205	Fire Arms Licenses.	Police Force of Tanzania	The Arms and Ammunition ACT, 1991 CAP 223, Regulations The Arms Ammunition (Armen		None	None	None	KEEP
206	Receipts from Sales of Stores	Police Force of Tanzania	The Treasury Registrar (Powers and Functions) Act ,CAP 370 R.E.2002		N	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
207	Identification Fees	Police Force of Tanzania			None	None	None	KEEP
208	Permit Certificate to Import/Export Health Laboratory	Private Health Laboratories Board- Under Ministry of Health, Community Development	Act No. 10 of (1997) and Private Health Laboratory Regulations 2005	3	None	MITI	Import/export license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
209	Certificate of Registration for Health Laboratory Products/ supplies	Private Health Laboratories Board- Under Ministry of Health, Community Development	Act No. 10 of (1997) and Private Health Laboratory Regulations 2005	3	None	None	None	KEEP
210	Permit Certificate to Import Health Laboratory Products/ supplies	Private Health Laboratories Board- Under Ministry of Health, Community Development	Act No. 10 of (1997) and Private Health Laboratory Regulations 2005	3	None	MITI	Import license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
211	Permit Certificate to Operate as Representative/ Dealer/Retail Seller for Health	Private Health Laboratories Board- Under Ministry of Health, Community Development	Act No. 10 of (1997) and Private Health Laboratory Regulations 2005	3	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
212	Certificate of Registration/ Re-Registration of Private Health Laboratory Facilities	Private Health Laboratories Board- Under Ministry of Health, Community Development	Act No. 10 of (1997) and Private Health Laboratory Regulations 2005	3	None	None	None	KEEP
213	Permit Certificate to Manufacture Health Laboratory Products	Private Health Laboratories Board- Under Ministry of Health, Community Development	Act No. 10 of (1997) and Private Health Laboratory Regulations 2005	3	None	None	None	KEEP
214	Private Health Facilities Registration Certificate	Private Hospitals Advisory Board (PHAB)		90	None	Laboratories Board, Pharmacy Council	The Pharmacy Council issues a certificate of registration of the private pharmacy while Laboratories Board registers labs within the same hospital	KEEP: But there should be proper coordination
215	Certificate for Private Companies to Operate Private Health Facilities.	Private Hospitals Advisory Board (PHAB)		90	None	None	None	KEEP
216	Paid Leave to exercise Organization duties.	Registrar of Organizations Prime Ministers Office Labor, Youth, Employment an	Section 63 of Act No 6/2004		None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
217	Contribution of employer to more than one Social Security Scheme by	SSRA	SSRA Act. Na 8 of 2008	30	Multiple Funds are involved	Multiple Funds are involved	Various employer/ employees contribution	KEEP: Address coordination issues
218	Certificate of Registration of Social Security Scheme, Fund Manager or Custodian	SSRA	SSRA Act section 18	90	CMSA-Fund Managers and BOT-Custodians	None	None	KEEP: the current setup which allows employees from the same company to be registered into different social security funds costs significant time and resources on employers. SSRA could coordinate the functioning of all these funds
219	Stakeholder Registration Certificate	Tanzania Dairy Board	The Dairy Industry Act, Cap 262. The Dairy Industry (import and export of milk) Regulation	2	None	None	None	KEEP
220	CARRIER PERMIT	Tanzania Dairy Board	The Dairy Industry Act, Cap 262. The Dairy industry Section 32 (b)	2	None	None	None	KEEP: Carrier implies vessels used to carry milk (eg. Containers, etc) and therefore does not duplicate vehicle inspection and permits issued by TFDA and SUMATRA

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
221	<b>EXPORT PERMIT</b>	Tanzania Dairy Board	The Dairy Industry Act, Cap 262. the dairy industry (import and export of milk an	2	None	TFDA, MITI	TFDA issues export permit and MITI issues export license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term). TFDA usually issues the certificate of food exports only if requested by exporter or importer in the destination country
222	<b>IMPORT PERMIT</b>	Tanzania Dairy Board	The Dairy Industry Act, Cap 262. the dairy industry (import and export of milk an	2	None	TFDA, MITI	TFDA issues export permit and MITI issues export license	REMOVE: The mandate to regulate the quality and quantity of the imports for dairy products should be left to TFDA. MITI should still issue the license, but for free. The Division should not be involved in the issuance of export permit.
223	<b>WCF Employers Registration Certificate</b>	Social Security Sector, WCF	Section 71 of the WC Act R.E 2015 & Regulation	2	None	Social security funds (e.g. NSSF, PPF), Health insurance schemes (e.g. NHIF, etc.)	Both the social security and insurance funds provide several covers similar to those by WCF (e.g. disability pension, etc.)	KEEP: But there is a strong need for harmonization and coordination of the roles of pension funds, insurance funds and the WCF. Employers have a strong feeling that they are making several different payments for almost similar purposes.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
224	<b>Export License</b>	Sugar Board of Tanzania	Sect. 15 of the Sugar Industry Act, 2001	2	None	MITI, TFDA	Export license, food export certificate	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term) TFDA usually issues the certificate of food exports only if requested by exporter or importer in the destination country
225	<b>Sugar Manufacturing Certificates and Licenses</b>	Sugar Board of Tanzania	Reg. 25 (1) of the Sugar Industry Regulations 2010 (Amended)	5	None	MITI	Business license (manufacturing)	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
226	<b>Import License</b>	Sugar Board of Tanzania	Sect. 14 (1) of the Sugar Industry Act, 2001	1	None	MITI, TFDA	Import license/ permit	REMOVE: The mandate to issue import permits should remain with TFDA; Sugar Board should not duplicate the permit; MITI should continue to issuing import licenses for records/data collection purposes with no, or much less fee

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
227	Miscellaneous Port Services License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA (Miscellaneous Port Services) Rules, 2015	14	None	Tanzania Port Authority, MITI	TPA issues the permit (merchant license) and MITI issues the Business license (miscellaneous port charges)	REMOVE: The mandate to issue business licenses should remain with MITI. TPA should only charge service fees on business entities
228	Ship Registration and Unregistered Fees	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001, Merchant Shipping Act, 2003 and Merchant shipping (Fees) Regulation	5	None	None	None	KEEP
229	Ship Survey Fee	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001, Merchant Shipping Act, 2003 and Merchant shipping (Fees) Regulation	5	None	None	None	KEEP
230	Seafarers Certification Fees	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001, Merchant Shipping Act, 2003 and Merchant shipping (Fees) Regulation	5	None	None	None	KEEP
231	Tricycles Road Service License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001 and Transport Licensing Act 1973	1	None	None	None	KEEP
232	Railway Operator License	Surface and Marine Transport Regulatory Authority (SUMATRA)	Railway Act, 2002	60	None	None	None	KEEP: but the authority should speed up the process

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
233	Shipping Agent License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001	14	one	None	None	KEEP
234	Motor Cycle Road Service License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001 and Transport Licensing Act 1973	1	None	None	None	KEEP
235	Licensing of Private Port Terminal Operators	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA- The Surface and Marine Transport Regulatory Authority Act ( Licensing of port terminal operators) regulations, 2011, Section 4, 5 and 5	14	none	MITI	Business license	KEEP: SUMATRA is better placed to regulate the transport industry. MITI can retain its role of issuing business licenses for record purposes but with less, or no fee. The number of days used to process the document can be reduced to 7.
236	Carrier Road Service License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001 and Transport Licensing Act 1973	1	None	MITI	Business license	KEEP: SUMATRA is better placed to regulate the transport industry. MITI can retain its role of issuing business licenses for the record purposes but with less, or no fee
237	Dry Port License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA- The Surface and Marine Transport Regulatory Authority (Dry ports) Regulations, 2016	14	None	MITI	Business license	KEEP: SUMATRA is better placed to regulate the transport industry. MITI can retain its role of issuing business licenses for the records purposes but with less, or no fee. The number of days used to process the document can be reduced to 7.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
238	Passenger Roads Service License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA Act 2001 and Transport Licensing Act 1973 section 11	1	None	MITI, LGA	MITI issues business licenses for long trip buses while LGA issues the license to within region transport vessels	KEEP: SUMATRA is better placed to regulate the transport industry. LGA/ MITI can continue issuing business licenses for the record purposes but with less, or no fee
239	Ship Tallying License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA- The Surface and Marine Transport Regulatory Authority ( Ship Tallying) Licensing Rule, 2015	14	None	MITI	Business license	KEEP: SUMATRA is better placed to regulate the transport industry. MITI can continue issuing business licenses for the record purposes but with less, or no fee. The number of days used to process the document can be reduced to 7.
240	Cargo Consolidation and De-Consolidating License	Surface and Marine Transport Regulatory Authority (SUMATRA)	SUMATRA- The Surface and Marine Transport Regulatory Authority Act ( Licensing of port terminal operators) regulations, 2011, Section 6	14	None	MITI	Business license	KEEP: SUMATRA is better positioned to regulate the transport industry. MITI can continue issuing business licenses for the record purposes but with less, or no fee. The number of days used to process the document can be reduced to 7.
241	Seed Cotton Buying License	Tanzania Cotton Board	COTTON INDUSTRY ACT section 38	30	None	None	None	KEEP: TANZANIA COTTON BOARD is better positioned to regulate the COTTON industry. LGAs can continue issuing business licenses for records purposes but with less, or no fee. The number of days used to complete the process should be reduced to 10.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
242	Cotton Seed/ Seedcake Export License	Tanzania Cotton Board	COTTON INDUSTRY ACT section 38	1	None	MITI	Export license	KEEP: TANZANIA COTTON BOARD is better placed to regulate the COTTON industry. MITI can continue issuing the business licenses for record purposes but with less or no fee.
243	COTTON LINT EXPORT LICENSE	TANZANIA COTTON BOARD	COTTON INDUSTRY ACT section 38	1	None	MITI	Export license	KEEP: TANZANIA COTTON BOARD is better placed to regulate the COTTON industry. MITI can continue issuing business licenses for record purposes but with less, or no fee.
244	GINNERY EXPANSION/ EXTENSION LICENSE	TANZANIA COTTON BOARD	The Cotton Regulation of 2011 section 51	1	none	LGA, OSHA, Fire Department	LGAs issue building permits, OSHA and Fire Department also issue building, inspection and safety certificates	REMOVE: LGA should be the only authority for issuance of building permits. The permits should consider all the necessary requirements, including those of specific sectors. Sector specific regulators (e.g. Cotton Board) and cross-cutting regulators should submit their requirements to LGA and recognize the permits issued by LGAs.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
245	<b>COTTON GINNING LICENSE</b>	TANZANIA COTTON BOARD	COTTON INDUSTRY ACT, section 28	30	None	MITI	Business license	KEEP: TANZANIA COTTON BOARD is better positioned to regulate the COTTON industry. MITI can continue issuing business licenses for records purposes but with less, or no fee. The number of days used to complete the process should be reduced to 10.
246	<b>COTTON LINT EXPORT PERMIT</b>	TANZANIA COTTON BOARD	COTTON INDUSTRY ACT section 38	1	None	MITI	Export license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
247	<b>Seed Testing Certificate</b>	TOSCI	Seed Regulations of 2007	16	None	MITI	Business license	KEEP: TOSCI is better positioned to regulate the Seed industry. MITI can continue issuing business licenses for record purposes but with less, or no fee.
248	<b>Seed Transport Order</b>	TOSCI	Seed Regulations of 2007 section 29	1	None	MITI	Business license	KEEP: TOSCI is better positioned to regulate the Seed industry. MITI can continue maintain issuing business license for record purposes but with less, or no fee.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
249	TOSCI Label	TOSCI	Seed Regulations of 2007 Section 14	1	None	None	None	KEEP: TOSCI is better placed to regulate the Seed industry.
250	Authorization of inspectors, samplers and analysts	TOSCI	Seed Regulations of 2007, section 42		None	MITI/LGA	Business license	KEEP: TOSCI is better equipped to regulate the Seed industry. MITI/LGAs can continue issuing business licenses for the purpose of records but with less, or no fee.
251	Work Order Certificate	TOSCI	Seed Regulations of 2007, section 30	2	None	MITI	Business license	KEEP: TOSCI is better equipped to regulate the Seed industry. MITI can continue issuing business license for record purposes but with less, or no fee.
252	Field Seed Inspection Results	TOSCI	Seed Regulations of 2007, section 42		None	MITI/LGA	Business License	KEEP: TOSCI is better positioned to regulate the Seed industry. MITI/LGAs can continue issuing business license for record purposes but with less, or no fee.
253	Registering job vacancies and openings from Employers	Tanzania Employment Services Agency (TaESA)	Executive Agencies Act. Cap. 245 of 2002,	20	The Private Employment Services Agency	The Private Employment Services Agency	Registration	KEEP: Private Employment Services Agencies are regulated through registration and monitoring by TaESA. The Agency ensures that private employment services agencies are operating in accordance with thenational laws, regulations, policies and other established labor and employment standards

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
254	Registration and Preliminary Interview for Job Seekers	TaESA	Executive Agencies Act. Cap. 245 of 2002,	1	The Private Employment Services Agencies	The Private Employment Services Agencies; Public Service Recruitment Secretariat (PSRC)	Regulate and register private and public employment service agencies (TAESA)	KEEP: Private Employment Services Agencies are regulated through registration and monitoring by TaESA. The Agency ensures that private employment services agencies are operating in accordance with thenational laws, regulations, policies and other established labor and employment standards
255	Short Term License-Landing flight permits	Tanzania Aviation Authority	Section 26 (1) (a) (i) of civil aviation Act, Cap 80 (R.E 2006); Regulation 3 (	7	None	None	None	KEEP: Simplify the procedures and reduce time for issuing the permit
256	Short Term License-Overflight	Tanzania Aviation Authority	Section 26 (1) (a) (i) of Civil Aviation Act, Cap 80 (R.E 2006); Regulation 3 (	1	None	None	None	KEEP
257	Tested Product Certificate (TPC) (Tanzania Standard is used under this Category)	Tanzania Bureau of Standards (TBS)	The Standard Act No. 2 of 2009 and The Tested Product Certification Regulations	30	None	TFDA	TBS- issues the Tested Product certificate, TFDA registers premises and food products	KEEP: TBS should retain its mandate to set standards on food related products and TFDA to enforce them. TBS should recognize certificates issued by TFDA
258	Certificate of Conformity (COC)	Tanzania Bureau of Standards (TBS)	The Standards Act No.2 of 2009 and The Standards (Compulsory Batch Certification	2	None	TFDA	TBS - issues COC and PVoC while TFDA issues permits to import and export food products	KEEP: TBS to retain its mandate to set standards on food related products and TFDA to enforce them. TBS to recognize certificates issued by TFDA

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
259	<b>Batch Certificate</b>	Tanzania Bureau of Standards (TBS)	The Standards Act No.2 of 2009 and The Standards (Compulsory Batch Certification	30	None	None	None	KEEP: Simplify the procedure by procuring more state of the art testing equipment for the laboratory which may give test result within a shorter duration
260	<b>TBS Mark License (Tanzania standard is used under this category)</b>	Tanzania Bureau of Standards (TBS)	The Standards Act No.2 of 2009 and The Standards (Compulsory Batch Certification	30	None	None	None	KEEP: Improve the institutional capacity for service delivery in terms of manpower, facilities and infrastructure
261	<b>Dry Coffee Cherry Coffee Buying License</b>	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	LGAs	LGAs issue coffee buying business licenses	KEEP: LGAs may continue to issue the license for record purposes without or with only little fee and minimum procedural or documentary requirements
262	<b>Parchment Buying License</b>	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	None	None	KEEP - consolidate Dry Cherry Coffee Buying License and Parchment Coffee Buying License since they are closely related.
263	<b>Green coffee processing License ( washed )</b>	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	MITI/LGA	Processing business license	KEEP:MITI/LGA should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
264	Green Coffee Export License	Tanzania Coffee Board	Coffee Regulations, 2013	2	The export permit issued by the Ministry of Industry and trade	MITI	Export business license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
265	Local Coffee Roasting License	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	None	None	KEEP
266	Green coffee Instant coffee License/Roast and Ground Coffee export license	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	MITI	Export business license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
267	Coffee Warehousing License	Tanzania Coffee Board	Coffee Regulations, 2013	2	Tanzania Warehousing licensing Authority issues	Tanzania Warehousing Licensing Board	TWLB issues Warehouse licenses for warehouses under warehouse receipt system only.	REMOVE: The mandate to set standards and licensing of warehouses be left with the Warehouse Licensing Board' crop boards to recognize certificates issued by the TWLB.
268	Certificate of Origin	Tanzania Coffee Board	International coffee agreements 2007	1	Certificate of origin issued by TCCIA which is a requirement in some importing	TCCIA	TCCIA also Issues the Certificate of Origin	REMOVE: The mandate to issue the certificate of origin should remain with TCCIA. The Coffee Board may provide export licenses to be submitted to the TCCIA as one of the attachments

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
269	<b>Export License</b>	Tanzania Coffee Board	Coffee Regulations, 2013	3	None	MITI	Export business license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
270	<b>Green coffee processing License (Non washed )</b>	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	MITI/LGA	Processing business license	KEEP:MITI/LGAs should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
271	<b>Premium coffee export License</b>	Tanzania Coffee Board	Coffee Regulations, 2013	2	Coffee export warehouse issued by Tanzania Coffee Board	MITI	export business license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
272	<b>Green coffee Liquoring License</b>	Tanzania Coffee Board	Coffee Regulations, 2013 Intoxicating Liquor Act	2	None	None	None	KEEP: Simplify the procedure

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
273	Dry Cherry Coffee license	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	None	None	KEEP: Simplify the procedure
274	Ripe cherry processing License	Tanzania Coffee Board	Coffee Regulations, 2013	2	None	MITI/LGA	Processing business license	KEEP: MITI/LGA should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
275	Courier Services License	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011, TRCA web	30	None	None	None	KEEP
276	Installation and Maintenance of Electronic Communication Equipment License	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011 The Electronic and Postal Communications (Licensing) Regulations	30	None	None	None	KEEP
277	Frequency User License	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011	30	None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
278	<b>Network Services License</b>	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011	60	None	None	None	KEEP: But there is a need to improve service delivery by decreasing the number of days it takes to issue a license
279	<b>Content Services License</b>	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011	60	BASATA	BASATA, Antiquities division	BASATA inspects the contents and Antiquities division issues the filming license	KEEP: But there is a need to coordinate regulatory agencies such that there are no conflicting mandates
280	<b>Public Postal Services License</b>	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011	30	None	None	None	KEEP
281	<b>Importation of Electronic Communication Equipment License</b>	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011	30	None	MITI	Import license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
282	<b>Application Services License</b>	Tanzania Communications Regulatory Authority (TCRA)	Electronic and Postal Communications Act, 2010	60	None	None	None	KEEP: But revisit the no. of days to issue a license

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
283	Selling and Distribution of Electronic Communication Equipment Licenses	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011  The Electronic and Postal Communications (Licensing) Regulations	30	None	MITI	Business license	KEEP
284	Network Facilities License	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communication (Licensing) Regulations, 2011	60	None	None	None	KEEP
285	Very Small Aperture Terminal (VSAT) Licenses	Tanzania Communications Regulatory Authority (TCRA)	The Electronic and Postal Communications (Licensing) Regulations, 2011	30	None	None	None	KEEP
286	Registration fee of Cooperative Societies.	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies Act No.6 of 2013. (75), Sacco's regulation of Cooperatives	60	None	None	None	KEEP
287	Issuance fee of certified or uncertified copies of documents	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies regulation of 2015(second schedule 2015 (86).		None	None	None	KEEP

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
288	Recognition and registration of pre-cooperative society	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies Act No.6 of 2013. 40(1) and (39)	60	None	None	None	KEEP
289	Amendment of by laws of a registered society registration fee	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies Act No.6 of 2013.(53)	30	None	None	None	KEEP
290	Searching fee of any document in the cooperative societies Register	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies regulation of 2015, second schedule No. 86		None	None	None	KEEP
291	Inspection and supervision fee of cooperatives	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies Act No.6 of 2013. (75),Sacco's regulation of Cooperatives	365	None	None	None	KEEP
292	Inspection fee of the cooperative society records or information	Tanzania Cooperative Development Commission (TCDC)	Cooperatives societies regulation of 2015, second schedule of regulation of 2015		None	None	None	KEEP
293	Fertilizer Dealer License	Tanzania Fertilizer Regulatory Authority (TFRA)	Fertilizer Act 2009,Section 18& Fertilizer Regulations 2011,Regulation 13(2))	30	TBS/ WMA	None	None	KEEP: But there are overlapping of mandates among agencies (TFRI, TAEC,GCLA), which need to be removed. However,TPRI, TFRA and TOSCI; are under the Ministry of Agriculture

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
294	License to erect or operate a saw mill in Forest Reserves	Tanzania Forest Services Agency	Forest regulations of 2004, Pg. 82 and GN No. 324 of 14/08/2015 pg. 14	5	None	None	None	KEEP
295	License to fell and collect forest produce in forest reserves	Tanzania Forest Services Agency	Forest Regulations of 2004, Pg 40 and GN No 324 of 14/08/2015 pg. 8		None	LGAs	By-Laws for some of the LGAs	KEEP: For the sake of environmental conservation REMOVE the by-laws imposed by LGAs
296	Transit pass for forest produce from harvesting areas to the markets	Tanzania Forest services Agency	Forest Regulations of 2003, Pg. 28 and GN No 324 of 14/08/2015 pg. 16	1	None	None	None	KEEP for the sake of controlling unauthorized harvesting of forests
297	Permit for Prospecting or Exploring or Mining in Forest Reserve	Tanzania Forest services Agency	Regulation 33 and Sixteenth Schedule of Forest Regulations of 2004, and GN No. 3		None	None	None	KEEP: to conserve the environment
298	Export certificate permit, Given to a dealer who intend to export forest produce	Tanzania Forest services Agency	Forest regulations of 2004, Pg. 74 and GN No 324 of 14/08/2015 pg 18	3	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage between the Tanzania Forest Service Agency and the Ministry of Industry, Trade and Investment. MITI should not issue the license
299	License to operate or run recreational facilities in Forest Reserves.	Tanzania Forest Services Agency	Forest regulations of 2004, Pg. 05, 32 & 34; also GN No. 324 of 14/08/2015 pg. 02	7	None	LGAs/MITI	Business Licenses issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage between the Tanzania Forest Service Agency and the Ministry of Industry, Trade and Investment. MITI should not issue the license

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
300	Registration form/Permit on which every forest produce dealer has to be registered	Tanzania Forest Services Agency	Forest regulations of 2004, Pg. 47 and GN No. 324 of 14/08/2015 pg. 18	5	None	None	None	KEEP: Improve the process to shorten time period for issuance
301	Export Clearance Certificate	Tanzania Meat Board	Meat Industry Act No.10 of 2006	1	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage with other relevant institutions
302	Import Clearance Certificate	Tanzania Meat Board	Meat Industry Act No.10 of 2006	1	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage with other relevant institutions
303	Certificate of Registration	Tanzania Meat Board	Meat Industry Act No.10 of 2006 Under Section 17 (1)-(3)	14	None	MITI/LGA	Business license	KEEP: Improve the process to shorten the time duration for issuance
304	National Performance Trial	Tanzania Official Seed Certification Institute	Seed Regulations of 2007	120	None	MALF	Seed dealer certificate	KEEP: Improve the process to shorten issuing time period. Assign the function to register seed dealers to TOSCI
305	Import Permit	Tanzania Pyrethrum Board (TPB)	Tanzania Pyrethrum Rules 2015	14	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage between MITI and TPB
306	PYRETHRUM FLOWER BUYING AND PROCESSING LICENSE	Tanzania Pyrethrum Board (TPB)	Tanzania Pyrethrum Rules 2015, 2nd Schedule Form number 6	14	None	LGAs/MITI/	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage between MITI and TPB

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance (in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
307	<b>PYRETHRUM PRODUCTS IMPORT LICENSE</b>	Tanzania Pyrethrum Board (TPB)	Tanzania Pyrethrum Rules 2015, 2nd Schedule Form number 6	14	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage between MITI and TPB
308	<b>PYRETHRUM FLOWER BUYING AND PROCESSING LICENSE</b>	Tanzania Pyrethrum Board (TPB)	Tanzania Pyrethrum Rules 2015, 2nd Schedule Form number 6	14	None	LGAs/MIT/ BRELA	Business License issued under Business Licensing Act. NO. 25 of 1972 The National Industries (Licensing and Registration) Act	KEEP: Provide electronic linkage between LGAs/MITI and TPB MITI/BRELA/LGAs to charge minimum fee
309	<b>PYRETHRUM PRODUCTS EXPORT LICENSE</b>	Tanzania Pyrethrum Board (TPB)	Tanzania Pyrethrum Rules 2015, 2nd Schedule Form number 7	14	None	MITI	Export license	KEEP: Provide electronic linkage between MITI and TPB
310	<b>Cashew nuts export levy</b>	Tanzania Revenue Authority		45	None	MITI, Cashew nut board, TFDA	MITI issues export license, Cashew nut Board and TFDA also issue export permits	REMOVE: To simplify the process and to meet the goal, Cashew Board can charge higher fee for the export permits issued on raw cashew. MITI may continue to issue the license for record purposes at less or no fee
311	<b>Tax Identification Number</b>	Tanzania Revenue Authority	World Bank Doing Business Reports (Starting business category)	2	None	None	None	KEEP: Shorten issuing time period to one day

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
312	VAT Registration Number (VRN)	Tanzania Revenue Authority	World Bank Doing Business Reports (Starting business category)	4	None	None	None	KEEP: Improve the process by providing linkage between LGAs/MITI for verification of business licenses
313	Export License	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide electronic linkage between MITI and TSB
314	Growers License	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None	None	none	KEEP for control purposes – e.g. environment and diseases
315	Traders License	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None	LGAs/MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: Provide linkage between MITI/LGAs and TSB
316	Processors License	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None	MITI/LGAs/BRELA	Business License issued under Business Licensing Act No. 25 of 1972 The National Industries (Licensing and Registration) Act	KEEP: Provide electronic linkage among MITI, TSB, BRELA. MIT and BRELA to charge less fee

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
317	<b>Manufacturers License</b>	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None	MITI/LGAs/BRELA	Business License issued under Business Licensing Act No. 25 of 1972 The National Industries (Licensing and Registration) Act	KEEP: provide electronic linkage among MITI, TSB, BRELA. MITI and BRELA to charge less fee
318	<b>Import License</b>	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None	MITI	Business License issued under Business Licensing Act No. 25 of 1972	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
319	<b>Inspection Certificate</b>	Tanzania Sisal Board	Sisal Industry Act 1997 Part 5	1	None			KEEP: for quality control etc.
320	<b>Tobacco Pprocessing License</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No 24/2001; The Tobacco Industry Regulations, 2011	3	None	MITI/BRELA	Business License issued under the Business Licensing Act No. 25 Of 1972 Industrial License issued under The National Industries (Licensing and Registration) Act	KEEP: Provide linkage between MITI, BRELA and TTB. MITI and BRELA to charge administration fee

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
321	<b>Tobacco Import License</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No 24/2001 The Tobacco industry Regulations, 2011	3	None	MITI	MITI also issues the importation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
322	<b>Dry Tobacco export permits</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No 24/2001 The Tobacco industry Regulations, 2011	3	None	MITI	MITI also issues the exportation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
323	<b>Tobacco import permits</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No 24/2001 The Tobacco industry Regulations, 2011	3	None	None		KEEP: It is mainly charged per imported batch
324	<b>Dry leaf tobacco buying license</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No. 24/2001, The Tobacco Industry Regulations, 2011	3	None	LGAs	LGAs also issues the buying and selling business license	KEEP: LGAs should also continue to issue the license for record purposes without or with only little fee and minimum procedural/ documents requirements

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
325	<b>Dry leaf tobacco selling license</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No. 24/2001, The Tobacco industry Regulations, 2011	3	None	LGAs	LGAs also issues the buying and selling business license	KEEP: LGAs should also continue to issue the license for record purposes without or with only little fee and with minimum procedural and document requirements
326	<b>Green leaf tobacco buying</b>	Tanzania Tobacco Board	The Tobacco Industry Act, No 24/2001; The Tobacco industry Regulations, 2011	3	None	LGAs	LGAs also issues the buying and selling business license	KEEP: LGAs also continues to issue the license for record purposes without or with only little fee and minimum procedural/ documents requirements
327	<b>Professional Hunters License</b>	Tanzania Wildlife Authority	Tourist Hunting (as per the Wildlife Conservation Act 2009 (Tourist Hunting) Re	7	None	None	None	KEEP: Simplify the procedures and shorten processing time
328	<b>Capture Permit</b>	Tanzania Wildlife Authority	Wildlife Conservation Act No. 5/2009 and Capture regulations (GN No. 244, of 201	7	None	None	None	KEEP: Simplify the procedures and reduce time for issuing the permit
329	<b>Trophy Dealer's License</b>	Tanzania Wildlife Authority	Wildlife Conservation Act No. 5/2009 and its regulations (GN No. 230, 244, of 20	7	None	None	None	KEEP: Simplify the procedures and shorten the processing time
330	<b>Trapper's ID Card</b>	Tanzania Wildlife Authority	Wildlife Conservation Act No. 5/2009 and Capture regulations (GN No. 244, of 201	7	None	None	None	KEEP: Simplify the procedures and shorten the processing time

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
331	Certificate of ownership	Tanzania Wildlife Authority	Wildlife Conservation No. 5 of 2009 sect. 4(2), 78 and Capture of Animals Regulation	7	None	None	None	KEEP: Simplify the procedures and shorten the processing time
332	Tourist hunting license	Tanzania Wildlife Authority	Tourist Hunting (as per the Wildlife Conservation (Tourist Hunting) Regulations,	7	None	MITI	MITI also issues the tourist hunting license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
333	Export And Import Certificates	Tanzania Wildlife Authority	Wildlife Conservation Act No. 5/2009 and Capture regulations (GN No. 244, of 201	7	None	MITI	MITI also issues the export and importation license	KEEP: MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
334	Tea Export Permit	Tea Board of Tanzania	Tea Act No 3 of 1997, Section 5 (5) of Tea Industry Act part iv, 23 (1d) of the Act	1	None	MITI	MITI also issues the importation license	KEEP: MITI should stop issuing export/import licenses the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
335	<b>Tea Blending and Packing License</b>	Tea Board of Tanzania	Tea Act No.3 of 1997, Section 5 (5) of Tea Industry Act part iv, 23 (1c) of the	7	None	MITI	MITI also issues the Tea Blending and Packing License	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
336	<b>Green Leaf Tea Buying License</b>	Tea Board of Tanzania	Tea Act No.3 of 1997, Section 5 (5) of Tea Industry Act, Part IV, 23 (1a) of the	7	None	LGAs	LGAs also issues the buying and selling business license	KEEP: LGAs should also continue to issue the license for record purposes without or with only little fee and with minimum procedural or document requirements
337	<b>Tea Import Permit</b>	Tea Board of Tanzania	Tea Act No. 3 of 1997, Section 5 (5) of Tea Industry Act part iv, 23 (1e) of the	1	None	MITI	MITI also issues the importation license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)
338	<b>Green Leaf Tea Processing License</b>	Tea Board of Tanzania	Tea Act No.3 of 1997, Section 5 (5) of Tea Industry Act part iv, 23 (1b) of the	7	None	MITI	MITI/LGAs also issues the processing license	KEEP:MITI should stop issuing export/import licenses for the same. For office operation, MITI will receive data from the sector regulators either manually (in the short run) or from a coordinated online portal (in the mid-term)

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
339	Certificate of Enrollment for Paraprofessional	The Veterinary Council of Tanzania	The Veterinary Act No. 16, 2003, The Veterinary (Enrolment of Paraprofessionals a	90	None	None	None	KEEP: Simplify the procedures and shorten permit processing time
340	The veterinary License of Artificial Insemination Technicians	The Veterinary Council of Tanzania	Section 21 of Veterinary Act No. 16, 2003.	90	None	None	None	KEEP: Simplify the procedures and reduce time for issuing the permit
341	Certificate of Recognition for Companies Undertaking Veterinary Services	The Veterinary Council of Tanzania	Section 5 (2) (c) of the Veterinary Act No. 16, 2003	90	TFDA	TFDA	TFDA also register Retailers and Wholesalers' veterinary outlets	KEEP: The mandate to register Companies undertaking Veterinary Services be left to VCT; TFDA should recognize the registration certificate issued by VCT
342	Registration Certificate of veterinarians	The Veterinary Council of Tanzania	Veterinary Act, 2003. section 22	90	none	none	none	KEEP: Veterinary council is better to regulate the veterinarians.
343	Registration Certificate of Veterinary Quarantine Stations;	The Veterinary Council of Tanzania	Section 38 (1) of The Veterinary Act No 16,2003,	90	none	none	none	KEEP: The Veterinary Council is better placed to regulate the Veterinary sub sector; LGAs may retain the role of issuing the business license for the record purposes but with less or no fee. Processing time could be shortened. to 30days.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
344	Registration Certificate of Veterinary Hospital	The Veterinary Council of Tanzania	Section 38 (1) of the Veterinary Act No 16,2003, Third Schedule of The Veterinary	90	None	None	None	KEEP: Veterinary Council is better placed to regulate the Veterinary sub sector, LGAs may retain their role of issuing the business license for records purposes but with less or no fee. Processing time could be shortened to 30 days.
345	Certificate of Recognition for Livestock Training Institution	The Veterinary Council of Tanzania	Section 5 (2) d f (iii) of Veterinary Act No. 16, 2003	90	None	None	None	KEEP: The Veterinary Council is better positioned to regulate the Veterinary sub sector. LGAs may retain their role of issuing the business license for the record purposes but with less or no fee. The processing period could be reduced to 30 days.
346	Meat Inspection License	The Veterinary Council of Tanzania	VETERINARY ACT No. 16, 2003. The Veterinary Regulations, 2011IGN No357,358,359 a	90	None	None	None	KEEP: The Veterinary Council is better placed to regulate the Veterinary sub sector. The processing time could be reduced to 30 days.
347	Enlistment Certificate for Paraprofessional Assistant	The Veterinary Council of Tanzania	The Veterinary Act No. 16, 2003, The Veterinary (Enrolment of Paraprofessionals	90	None	None	None	KEEP: The Veterinary Council is better positioned to regulate the Veterinary sub sector. The processing time could be reduced to 30 days.
348	Artificial Insemination technician license	The Veterinary Council of Tanzania	The Veterinary Act No 16,2003, The Veterinary (Licensing of Artificial Insemination	90	None	None	None	KEEP: Veterinary council is better to regulate the veterinary sub sector. The days can be reduced to 30 days.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
349	Registration Certificate of Veterinary Ambulatory Services;	The Veterinary Council of Tanzania	Section 38(1) of The Veterinary Act No 16, 2003. Paragraph 24(2) of The Veterinary	90	None	None	None	KEEP: Veterinary Council is better placed to regulate the Veterinary sub sector, LGAs may retain their function of issuing the business license for the record purposes but with less or no fee. The processing time could be reduced to 30 days.
350	Registration Certificate of Veterinary Centre	The Veterinary Council of Tanzania	The Veterinary Act No. 16, 2003, The Veterinary (Enrolment of Paraprofessionals	90	TFDA	TFDA	Certificate of Veterinary	KEEP: Veterinary council is better equipped to regulate the veterinary sub sector, LGAs can maintain issuing the business license for the record purposes but with less or no fee. The processing time period could be shortened to 30 days.
351	Registration Certificate for Veterinary Clinic	The Veterinary Council of Tanzania	Paragraph 25 (1) of the Third Schedule of The Veterinary Act (Registration of V	90	None	None	None	KEEP: The Veterinary Council is better placed to regulate the Veterinary sub sector. LGAs may retain its role of issuing the business license for the record purposes but with less or no fee. The processing time period could be cut down to 30 days.
352	Tanzania Tourism Business License, Vehicles Permit, Tourism Development Levy	The Ministry of Natural Resources and Tourism	Tourism Act No. 29 of 2008 Sec (10) (1) & Sec (21) (1)	7	None	None	None	REMOVE Bed night levy since the investor pays tourism business license. Also reduce the TTLB license fee for both local and foreign investors.

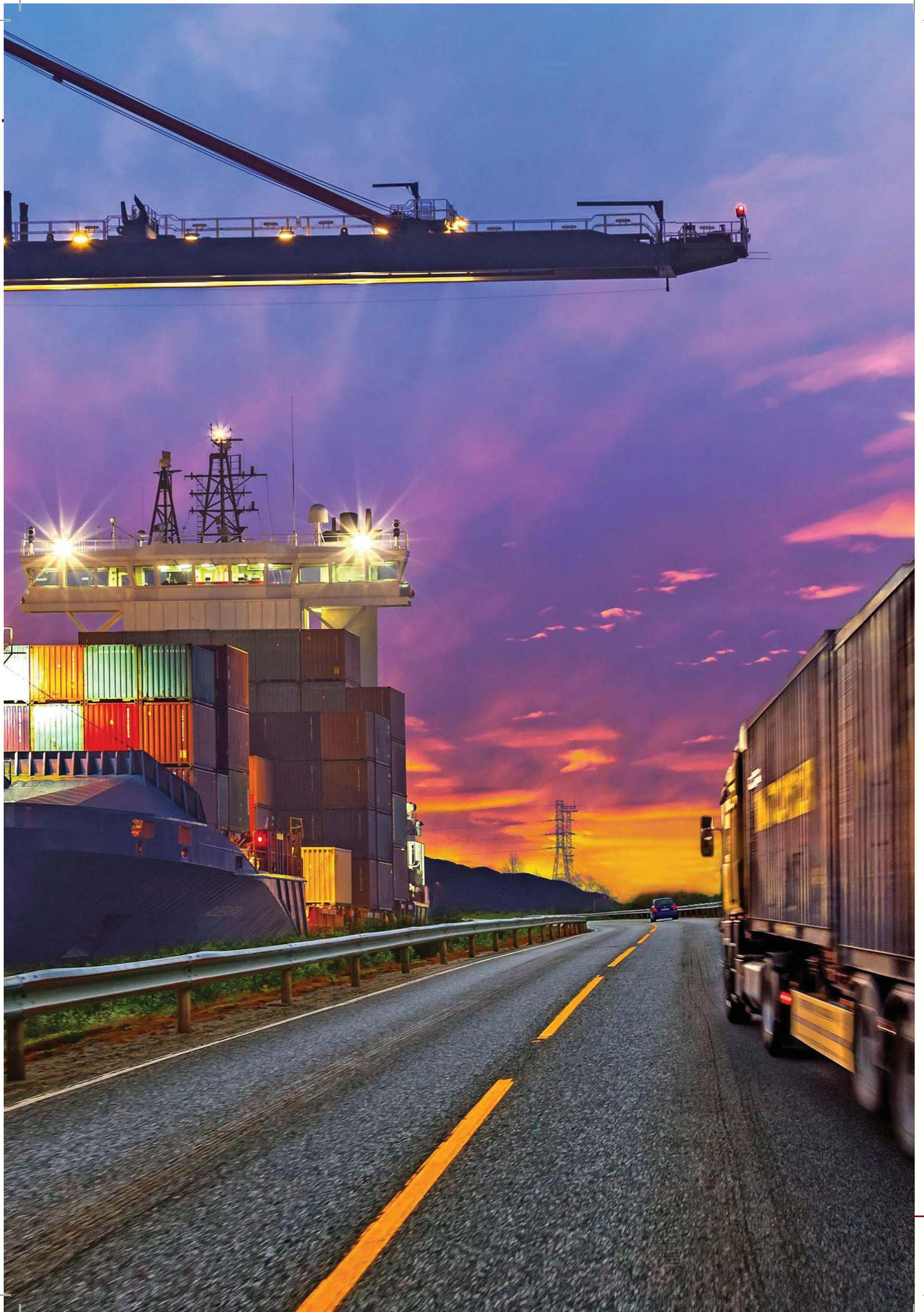
	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
353	Food export permit (Health Certificate)	The Tanzania Food and Drugs Authority (TFDA)	Section 22(c) of The Tanzania Food, Drugs and Cosmetics Act Cap 219	2	None	None	None	KEEP: TFDA is better placed to regulate exportation of food. MITI may retain its role of issuing the business license for the record purposes but with less or no fee.
354	Cosmetics Export Permits	The Tanzania Food and Drugs Authority (TFDA)	Section 20(1) of The Tanzania Food, Drugs and Cosmetics Act Cap 219	2	None	None	None	KEEP: TFDA is better placed to regulate exportation of cosmetics. MITI should stop issuing the license
355	Pharmaceuticals (human and veterinary), herbal drugs and medical devices export	The Tanzania Food and Drugs Authority (TFDA)	The Tanzania Food, Drugs and Cosmetics Act Cap 219	2	None	None	None	KEEP: TFDA is better placed to regulate exportation of pharmaceuticals. MITI may continue issuing the business license for record purposes but with less or no fee.
356	Annual food outlet business permit	The Tanzania Food and Drugs Authority (TFDA)	Section 20(1) of The Tanzania Food, Drugs and Cosmetics Act Cap 219	10	None	None	None	KEEP: TFDA is better placed to regulate food business. MITI/LGAs may continue issuing the business license for the record purposes but with less or no fee.
357	Cosmetics Import permit issued by The Tanzania Food and Drugs Authority (TFDA)	The Tanzania Food and Drugs Authority (TFDA)	The Tanzania Food, Drugs and Cosmetics Act Cap 219	2	None	None	None	KEEP: TFDA is better positioned to regulate importation of cosmetics. MITI should stop issuing the license

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
358	Pharmaceutical/ Cosmetics registration certificate	The Tanzania Food and Drugs Authority (TFDA)	The Tanzania Food, Drugs and Cosmetics Act Cap 219	259	None	None	None	KEEP: TFDA is better placed to regulate the pharmaceutical/ cosmetics
359	Pharmaceutical Import permit	The Tanzania Food and Drugs Authority (TFDA)	Section 73 of The Tanzania Food, Drugs and Cosmetics Act Cap 219	2	None			KEEP: TFDA is better placed to regulate importation of pharmaceuticals. MITI should stop issuing the license
360	Annual local food manufacturer business permit	The Tanzania Food and Drugs Authority (TFDA)	Section 20(1) of The Tanzania Food, Drugs and Cosmetics Act Cap 219	15	None			KEEP: TFDA is better positioned to regulate food manufacturers,
361	Food Registration Certificate	The Tanzania Food and Drugs Authority (TFDA)	Section 28(1) of The Tanzania Food, Drugs and Cosmetics Act Cap 219	60	Food Product Quality certificate for use on TBS food label	TBS	Food product quality certificate	KEEP: TBS should set standards and leave the enforcement to TFDA,
362	Food import permit	The Tanzania Food and Drugs Authority (TFDA)	Section 36 (1) of The Tanzania Food, Drugs and Cosmetics Act Cap 219	2	none	none	none	KEEP: But there are un-harmonized inspection activities at the port of entry. MoHSW and TFDA are both conducting food inspection with no clear demarcation of roles and schedules. Repetitive food inspections by various regulatory organs can result in unnecessarily bothering of food importers/manufacturers, leading to increased cost of doing business in the country.

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
363	Pharmaceutical/ Cosmetics manufacturer business permit	The Tanzania Food and Drugs Authority (TFDA)	The Tanzania Food, Drugs and Cosmetics Act Cap 219	4	None	None	None	KEEP: But it is recommended that service delivery be improved through the use of automated systems to enable key players e.g. TFDA, LGAs, MITI share available information. The integrated online systems will eventually reduce and ease up doing business in the country.
364	PARTS 9 (Fumigators Certificate)	Tropical Pesticides Research Institute (TPRI)		7	None	None	None	KEEP: it is recommended that the pre-business licensing fee of \$50 be removed
365	PARTS 7 (Pesticide Importers Certificate)	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act	7	None	None	None	KEEP: But demarcate line of responsibilities between TPRI and PHS with regard to Pesticides inspection and plant quarantine issues to eliminate overlaps
366	PARTS 5 (Certificate of Analysis)	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act	12	None	None	None	KEEP: Government to provide equipment and reagents for relevant Laboratories.
367	PARTS 8 (Pesticides Formulators Certificate)	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act		None	None	None	KEEP: it is recommended that the requirement for pre-business Licensing fee of \$50 be removed
368	PARTS 10 (Whole Sellers Certificate)	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act	7	None	None	None	KEEP: it is recommended that the requirement for pre-business Licensing fee of \$50 be removed

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
369	<b>PARTS 4 (Pesticides Registration Certificate)</b>	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act	3	None	None	None	KEEP:it is recommendedthat the requirement for pre-business Licensing fee of \$50 be removed
370	<b>PARTS 11 (Pesticide Retailers Certificate)</b>	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act	7	None	None	None	KEEP:it is recommendedthat the requirement for pre-business Licensing fee of \$50 be removed
371	<b>PARTS 2 (Permit to Import Pesticides)</b>	Tropical Pesticides Research Institute (TPRI)	The Tropical Pesticides Research Institute Act	1	None	None	None	KEEP:it is recommended to remove the requirement of pre-business Licensing fee of \$50
372	<b>Access to buildings, services, information, and physical environment.</b>	United Republic of Tanzania, Ministry of Health and Social Welfare (Department o	The Persons With Disabilities Act, No. 9 of 2010. Sect.35, 37, 38, 48.	-99	None	None	None	KEEP: Improve the process and reduce the processing time period.
373	<b>Settlements for PWDS, Requirement of registration of settlements for PWDS</b>	United Republic of Tanzania, Ministry of Health and Social Welfare	The PWDS Act, No. 9 of 2010. Section 18 (1-3) Section 25 (1-4)	-99	None	None	None	KEEP: Reduce the processing time period
374	<b>AUTHORITY TO CONSTRUCT STORAGE TANK</b>	WEIGHTS AND MEASURES AGENCY	THE WEIGHTS AND MEASURES (FIXED STORAGE TANKS) REGULATIONS G.N. 533/1998	3	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License

	Name of permit/ license/ certificate	Name of issuing authority/ regulator	Governing regulation/ law/ By-laws	Time duration for its issuance ( in days as per regulator)	Duplicating agency (as per regulators)	Duplicating agency (as per private sector)	Duplicating permits/ certificate/ license	Recommendation
375	LICENSE FOR WEIGHTS AND MEASURES PRACTITIONERS CLASS "E"	WEIGHTS AND MEASURES AGENCY	THE WEIGHTS AND MEASURES (AMENDMENT) REGULATIONS GN 348 /2014	14	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License
376	LICENSE FOR WEIGHTS AND MEASURES PRACTITIONERS CLASS "D"	WEIGHTS AND MEASURES AGENCY	THE WEIGHTS AND MEASURES (AMENDMENT) REGULATIONS GN 348 /2014	14	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License
377	LICENSE FOR WEIGHTS AND MEASURES PRACTITIONERS CLASS "A"	WEIGHTS AND MEASURES AGENCY	Weight and Measures Act	14	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License
378	AUTHORITY TO CALIBRATE FIXED STORAGE TANKS	WEIGHTS AND MEASURES AGENCY	THE WEIGHTS AND MEASURES (FIXED STORAGE TANKS) REGULATIONS G.N. 533/1998	3	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License
379	LICENSE FOR WEIGHTS AND MEASURES PRACTITIONERS CLASS "C"	WEIGHTS AND MEASURES AGENCY	THE WEIGHTS AND MEASURES (AMENDMENT) REGULATIONS GN 348 /2014	14	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License
380	LICENSE FOR WEIGHTS AND MEASURES PRACTITIONERS CLASS "B"	WEIGHTS AND MEASURES AGENCY	THE WEIGHTS AND MEASURES (AMENDMENT) REGULATIONS GN 348 /2014	14	None	None	None	KEEP: Reduce/remove the fees required upon renewal of License



# Annex 1: Legislation Reviewed

## List of Regulations Analyzed (Under Select Principal Legislation)

1. Animal Diseases (Animals and Animal Products Movement Control) (Amendment) Regulations, GN 225/2
2. Coffee Industry Regulations, GN 385/2013
3. Dairy Industry (Import and Export of Milk and Milk Products) Regulations, 2011
4. Dairy Industry (Powers and Duties of Inspectors and Analysts) Regulations, 2007
5. Dairy Industry (Raw Milk Grading and Minimum Quality and Safety Requirements) Regulations, 2007
6. Dairy Industry (Raw Milk Transportation) Regulations, 2007
7. Dairy Industry (Registration of Dairy Industry Stakeholders) Regulations, 2007
8. Dairy Industry (Treatment and Disposal of Unfit Milk) Regulations, 2007
9. Electronic and Postal Communication (Licensing) Regulations, GN 430/2011
10. Electronic and Postal Communications (Digital and other Broadcasting Networks) Regulations GN 416/
11. Electronic and Postal Communications (Radio communications and Frequency Spectrum) Regulations, GN
12. Environmental Impact Assessment and Audit Regulations, GN 349/2004
13. Executive Agencies (Government Chemist Laboratory) Establishing Order GN 106/2000
14. Fertilizer Regulations, GN 350/2011
15. Fire and Rescue Force (Safety Inspections and Certificates) (Amendment) Regulations, GN 63/2014
16. Forest (Amendment) Regulations, GN 324/2015
17. Forest Regulations, GN 153/2004
18. Industrial and Consumer Chemicals (Management and Control) Regulations GN No. 25 of 2015
19. Kanuni za Usimamizi wa Mazingira (Ada na Tozo) GN 154/2008
20. Occupational Safety and Health (General Administrative) Rules GN 149/2015
21. Occupational Safety and Health (Notification of Occupational Diseases, Injuries and Dangerous Occupation
22. Occupational Safety and Health Services (Vehicles Under Pressure) Regulations, GN 274/2016
23. Petroleum (Liquefied Petroleum Gas) Rules, GN 420/2012
24. Plant Protection Regulations, 1998
25. Pyrethrum Industry Rules, GN 155/2015
26. Seeds Regulations, 2006
27. Sisal Industry Regulations, 2011
28. Standards (Compulsory Batch Certification of Import) (Amendment) Regulations, GN 25/2012
29. Standards (Compulsory Batch Certification of Imports) Regulations, GN 405/2009 Standards (Certificate)
30. Standards (Tested Products) Regulations, GN 404 of 2009
31. SUMATRA (Technical Safety and Quality of Service Standards) Passenger Vehicles) GN 14/2008
32. Tanzania Trade Development Authority Regulations, GN 338/2010
33. Tea Regulations, 1999

34. The Immigration (Amendment) Regulations, GN 246/2016
35. The Pharmacy (Education and Training) Regulations, GN 333/2015
36. The Pharmacy (Practice) Regulations, GN 301/2012
37. The Pharmacy (Registration of Pharmacists, Enrollment of Pharmaceutical Technicians and Enlisting
38. The Pharmacy Practice (Fees Charges) Regulations, GN 299/2012
39. The Pharmacy Practice (Inspectors) Regulations, GN 300/2012
40. The Pharmacy Practice (Registration of Foreign Pharmacists) (Amendment) Regulations, GN 298/2012
41. The Pharmacy Practice (Registration of Foreign Pharmacists) Regulations, GN 43/2009
42. The Standards (Tested Products) Regulations GN 404/2009
43. The Weights and Measures (Sale of Liquefied Petroleum Gas -LGP) Regulations 2013 GN No.222 of 2013
44. Tobacco Industry Licensing (Fees) Regulations, GN 108/2016
45. Transport Licensing (Motor Cycles and Tricycles) Regulation GN 144/2010
46. Weights and Measures (Amendments) Regulations GN 444/2010
47. Weights and Measures Regulations GN 339/1960
48. Wildlife Conservation (Capture of Animals) Regulations, GN 244/2010
49. Wildlife Conservation (Dealers in Trophies) Regulations, GN 230/2010
50. Wildlife Conservation (Tourist Hunting) Regulations, GN 414/2015
51. Wildlife Conservation (Wildlife Fencing, Breeding Sites, Orphanage Centers and Sanctuaries) Regulations

### List of LGAs whose By-Laws were Analyzed

- |                |                |
|----------------|----------------|
| 1. Newala,     | 19. Kondoa     |
| 2. Tanga       | 20. Sumbawanga |
| 3. Tarime,     | 21. Geita      |
| 4. Mbeya       | 22. Kibaha     |
| 5. Mbozi       | 23. Arumeru    |
| 6. Ilemela     | 24. Dodoma     |
| 7. Biharamulo  | 25. Muleba     |
| 8. Iringa      | 26. Shinyanga  |
| 9. Namtumbo    | 27. Ileje      |
| 10. Bukoba     | 28. Muheza     |
| 11. Kinondoni  | 29. Hanang     |
| 12. Tabora     | 30. Karatu     |
| 13. Kisarawe   | 31. Magu       |
| 14. Moshi      | 32. Nkasi      |
| 15. Songea     | 33. Kwimba     |
| 16. Babati     | 34. Rufiji     |
| 17. Kigoma     | 35. Morogoro   |
| 18. Tandahimba |                |

## List of LGA By-Laws Analyzed

1. Arumeru District Council (Slaughter and Hides Dressing Fees) (Amendment) By-Laws, GN 153/2000
2. Arumeru District Council (Slaughter and Hides Dressing Fees) (Amendment) By-Laws, GN 153/2000
3. Biharamulo –Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Wilaya ya Biharamulo – GN 162/2014
4. Dodoma Municipal Council (Pick-up and Lorries Plying within the Council) By-Law, GN 185/2000
5. Hanang District Council (Land Development Survey Fees) GN 344/2001
6. Ilala Municipal Council (Education Levy) By-Law, GN 192/2001
7. Ileje District Council (Produce Cess) By-Laws GN 18/2000
8. Iringa Municipal Council (Property Rate) By-Laws, GN 211/2001
9. Kanuni za Usimamizi wa Mazingira (Ada na Tozo) Under Ca. 191 GN 154/2008 (Made by Minister)
10. Kinondoni Municipal Commission (Waste Management and Refuse Collection Fees) GN 353/2001
11. Marekebisho ya Sheria Ndogo za Halmashauri ya Manispaa ya Iringa, GN 231/2014
12. Mbeya Municipal Council (Compulsory Education Levy) By-Laws GN 170/2001
13. Mbeya Municipal Council (Development Levy) By-Laws GN 168/2001
14. Mbeya Municipal Council (Entertainment) Fees By-Laws GN 183 of 2000
15. Moshi Municipal Council (Municipal Service Levy) By-Law GN 172/2001
16. Moshi Municipal Council (Registration of Commercial Vehicles) By-Laws GN 207/2003
17. Mwanza City Council (Kirumba Mwaloni Fish Market) Fees, GN 316/2010
18. Mwanza City Council (Street Parking Fees and Parking Control) (Amendment) By-Laws, GN 314/2010
19. Rufiji District Council (Collection and Disposal of Refuse Fees) By-Laws, GN 398/2009
20. Sheria Ndogo (Ada ya Matangazo ya Biashara) za Mamlaka ya Mji Mdogo wa Newala, GN 35/2014
21. Sheria Ndogo (Ada za Burudani) za Halmashauri ya jiji la Tanga, GN 52/2015
22. Sheria Ndogo (Kodi ya Majengo) ya Halmashauri ya Manispaa ya Bukoba GN 332/2015
23. Sheria Ndogo (Kodi ya Majengo) ya Halmashauri ya Mji wa Tarime GN 110/2014
24. Sheria Ndogo (Kodi ya Majengo) za Mamlaka ya Mji Mdogo wa Newala GN 34 of 2014
25. Sheria Ndogo za (Ada na Ushuru) (Marekebisho) za Halmashauri ya Wilaya ya Namtumbo GN 295/2014
26. Sheria Ndogo za (Ada na Ushuru) Halmashauri ya Wilaya ya Kaliua, (GN 392/2015)
27. Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Manispaa ya Ilemela GN 326/2014
28. Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Wilaya ya Ileje GN 476/2010
29. Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Wilaya ya Longido, GN 471/2010
30. Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Wilaya ya Morogoro, GN 13/2015
31. Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Wilaya ya Mvomero, GN 196/2014
32. Sheria Ndogo za (Ada na Ushuru) za Halmashauri ya Wilaya ya Tandahima GN 173/2013
33. Sheria Ndogo za (Ada ya Ukaguzi wa Afya na Usafi wa Mazingira) (Marekebisho) za Halmashauri ya Wilaya ya Kwimba, GN 74/2000
34. Sheria Ndogo za (Ada ya Usajili wa Teksi) za Halmashauri ya Wilaya ya Mpwapwa, (GN 139/2010)
35. Sheria Ndogo za (Ada ya Ushuru) za Halmashauri ya Jiji la Mbeya, GN 381/2011

36. Sheria Ndogo za (Ada ya Ushuru) za Halmashauri ya Wilaya ya Mkinga, GN 269/2009
37. Sheria Ndogo za (Ada ya Vibali vya Ujenzi) za Halmashauri ya Manispaa ya Tabora, GN 365/2015
38. Sheria Ndogo za (Biashara ya Ngozi na Adaza Machinjio) za Halmashauri ya Manispaa ya Ilala, (GN 592/2015)
39. Sheria Ndogo za (Hifadhi ya Mazingira) za Halmashauri ya Manispaa ya Singida, GN 331/2011
40. Sheria Ndogo za (Hifadhi ya Mazingira) za Halmashauri ya Wilaya ya Rufiji GN 381/2009
41. Sheria Ndogo za (Kilimo Kwanza na Usalama wa Chakula) za Halmashauri ya Wilaya ya Kilolo, GN 170/2012 (Fish and Bees)
42. Sheria Ndogo za (Kilimo na Uhifadhi wa Chakula) za Halmashauri ya Wilaya ya Rufiji, GN 393/2009
43. Sheria Ndogo za (Kilimo) za Halmashauri ya Wilaya ya Shinyanga, GN 137/2010
44. Sheria Ndogo za (Kodi ya Majengo) Halmashauri ya Manispaa ya Lindi, GN 264/2014
45. Sheria Ndogo za (Kodi ya Majengo) za Halmashauri ya Manispaa ya Tabora, GN 366/2015
46. Sheria Ndogo za (Kufufua na Kutunza Mashamba ya Zao la Korosho) za Halmashauri ya Wilaya ya Rufiji,GN 392/2009
47. Sheria Ndogo za (Kufufua na Kutunza Mashamba ya Zao la Korosho) za Halmashauri ya Wilaya ya Ludewa,GN 302/2008
48. Sheria Ndogo za (Kuhifadhi Misitua) za Halmashauri Ya Muheza By-Laws (for Conservation of Forests)–GN 249A/2001.
49. Sheria Ndogo za (Matumizi ya Barabara) za Halmashauri ya Manispaa ya Ilala, (GN 593/2015)
50. Sheria Ndogo za (Matumizi ya Barabara) za Halmashauri ya Manispaa ya Lindi, GN 259/2014 (charge for lorries plying the road)
51. Sheria Ndogo za (Mifugo) za Halmashauri ya Wilaya ya Shinyanga, GN 135/2010
52. Sheria Ndogo za (Taratibu za Ununuzi na Usafirishaji wa Mazao ya Biashara) za Halmashauri ya Wilayaya Korogwe, (GN 403/2005)
53. Sheria Ndogo za (Taratibu za Ununuzi na Uzaji wa Zao la Kakao) za Halmashauri ya Wilaya ya Kyela GN 175/2012
54. Sheria Ndogo za (Udhibiti wa Mifugo) za Halmashauri ya Mji wa Tarime, GN 107/2015
55. Sheria Ndogo za (Usafi wa Mazingira) za Halmashauri ya Jiji la Mbeya, GN 378/2011
56. Sheria Ndogo za (Usafi wa Mazingira) za Halmashauri ya Manispaa ya Kigoma/Ujiji GN 307/2008
57. Sheria Ndogo za (Usafi wa Mazingira) za Halmashauri ya Wilaya ya Mbozi GN 466/2015
58. Sheria Ndogo za (Usajili wa Shughuli za Biashara) za Halmashauri ya Wilaya ya Mvomero, GN 194/2014
59. Sheria Ndogo za (Usajiri wa Vyombo vya Usafiri) za Halmashauri ya Mji wa Lindi GN 113/2009
60. Sheria Ndogo za (Ushuru wa Asali) za Halmashauri ya Manispaa ya Tabora, GN 367/2015
61. Sheria Ndogo za (Ushuru wa Huduma) za Halmashauri ya Manispaa ya Kinondoni, GN 342/2015
62. Sheria Ndogo za (Ushuru wa Huduma) za Halmashauri ya Wilaya yaKondo, GN 176/2013
63. Sheria Ndogo za (Ushuru wa Kituo Cha Mabasi) za Halmashauri ya Wilaya ya Iringa, 473/2010

64. Sheria Ndogo za (Ushuru wa Kituo Cha Magari ya Abiria na Mizigo) za Halmashauri ya Wilaya ya Ileje, GN 475/2010
65. Sheria Ndogo za (Ushuru wa Kituo Cha Magari) za Halmashauri ya Jiji la Mbeya, GN 376/2011
66. Sheria Ndogo za (Ushuru wa Madini ya Ujenzi na Chumvi) GN 520/2015
67. Sheria Ndogo za (Ushuru wa Madini ya Ujenzi na Chumvi) Halmashauri ya Wilaya ya Sikonge, (GN 606/2015)
68. Sheria Ndogo za (Ushuru wa Madini) za Halmashauri ya Wilaya ya Kishapu, GN 247/2017
69. Sheria Ndogo za (Ushuru wa Maegesho ya Magari) za Halmashauri ya Wilaya ya Kilolo, GN 166/2012
70. Sheria Ndogo za (Ushuru wa Maegesho ya Magari) za Halmashauri ya Mji wa Njombe, GN 328/2011
71. Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Kinondoni, GN 341/2015
72. Sheria Ndogo za (Ushuru wa Mazao Mchanganyiko) za Halmashauri ya Wilaya ya Tandahimba, GN 171/2013
73. Sheria Ndogo za (Ushuru wa Mazao na Vibanda Sokoni) Halmashauri ya Wilaya ya Uvinza, (GN 613/2015)
74. Sheria Ndogo za (Ushuru wa Mazao ya Mimitu) Halmashauri ya Wilaya ya Sikonge, (GN 578/2015)
75. Sheria Ndogo za (Ushuru wa Mazao ya Mimitu) Halmashauri ya Wilaya ya Mpwapwa, (GN 140/2015)
76. Sheria Ndogo za (Ushuru wa Mazao) Halmashauri ya Wilaya ya Bariadi, (GN 26/2016)
77. Sheria Ndogo za (Ushuru wa Mazao) za Halmashauri ya Wilaya ya Iringa GN 474/2010
78. Sheria Ndogo za (Ushuru wa Minada ya Mifugo) Halmashauri ya Wilaya ya Sikonge, (GN 579/2015)
79. Sheria Ndogo za (Ushuru wa Minara ya Simu na Redio) za Halmashauri ya Manispaa ya Kigoma Ujiji, GN298/2015
80. Sheria Ndogo za (Ushuru wa Stendi) za Halmashauri ya Manispaa ya Kigoma/Ujiji, GN 321/2011
81. Sheria Ndogo za (Ushuru wa Stendi) za Halmashauri ya Wilaya ya Kibaha, GN 298/2011
82. Sheria Ndogo za (Ushuru wa Vibao vya Matangazo ya Biashara) za Halmashauri ya Wilaya ya Rufiji, GN391/2009
83. Sheria Ndogo za (Ushuru wa Vibao vya Matangazo ya Biashara) za Halmashauri ya Wilaya ya Kibaha, GN 294/2011
84. Sheria Ndogo za (Utunzaji wa Barabara za Halmashauri) za Wilaya ya Urambo, GN 182/212
85. Sheria Ndogo za (Vibali vya Burudani) za Halmashauri ya Manispaa ya Sumbawanga, GN 183/2013
86. Sheria Ndogo za (Vibali vya Ujenzi) za Halmashauri ya Wilaya ya Kilolo, GN 169/2012 – Section 5 makes provision for conditions for permit – maps, fee for inspection of maps
87. Sheria Ndogo za Halmashauri Manispaa ya Tabora (Usafi wa Mazingira) GN 361/2015
88. Sheria Ndogo za Halmashauri ya Hanang (Ada ya Usafi wa Mazingira) GN 343/2001
89. Sheria Ndogo za Halmashauri ya Jiji la Mbeya (Mifugo na Uvuvi) GN 339/2014
90. Sheria Ndogo za Halmashauri ya Jiji la Mbeya (Mifugo na Uvuvi) GN 339/2014
91. Sheria Ndogo za Halmashauri ya Karatu (Ada ya Maombi ya Viwanja, Kuonyesha Viwanja, Ukaguzi wa Ramani, Vibali vya Ujenzi na Ukaguzi wa Ujenzi), GN 263/2001
92. Sheria Ndogo za Halmashauri ya Karatu (Ada ya Ukaguzi, Upimaji wa Afya na Usafi wa Mazingira) GN 2936951
93. Sheria Ndogo za Halmashauri ya Karatu (Ushuru wa Nyumba za Wageni na Malazi) GN 298/2001
94. Sheria Ndogo za Halmashauri ya Magu (Ada za Upimaji wa Wahudumu wa Vyakula na Vinywaji) GN 366/2001

95. Sheria Ndogo za Halmashauri ya Magu (Uwekezaji Vibao vya Matangazo ya Biashara) (Marekebicho) GN 3637135
96. Sheria Ndogo za Halmashauri ya Manispaa ya Moshi za (Kuzuia na Kuzima Moto) GN 204/2003
97. Sheria Ndogo za Halmashauri ya Nkasi (Ushuru was Mimitu) GN 362/2001
98. Sheria Ndogo za Halmashauri ya Sumbawanga (Ushuru wa Mbao za Matangazo ya Biashara) GN 373/2001
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100. Sheria Ndogo za Halmashauri ya Wilaya ya Arumeru (Ushuru wa Viwanja) (GN 151/2000)
101. Sheria Ndogo za Halmashauri ya Wilaya ya Geita, (Ada na Ushuru) GN 301/2008
102. Sheria Ndogo za Halmashauri ya Wilaya ya Hai (Ushuru wa Kituo cha Mabasi) GN 311/2008
103. Sheria Ndogo za Halmashauri ya Wilaya ya Kisarawe (Ada na Ushuru) GN 482/2015
104. Sheria Ndogo za Halmashauri ya Wilaya ya Muleba (Ada ya Huduma ya Mali) (Marekebicho) (GN 166/2000)
105. Sheria Ndogo za Halmashauri ya Wilaya ya Muleba (Ada ya Huduma ya Mali) (Marekebicho) (GN 166/2000).
106. Sheria Ndogo za Halmashauri ya Wilaya ya Shinyanga (Ushuru wa Kusafirisha na Kupitisha Mifugo) GN 7/2000
107. Sheria Ndogo za Halmashauri ya Wilaya ya Tarime, (Ushuru wa Kuogesha Mifugo) (GN 137/2000)
108. Sheria Ndogo za Halmashauri ya Wilaya ya Tarime, (Ushuru wa Kuogesha Mifugo) (GN 137/2000)
109. Sheria Ndogo za Halmashauri ya Wilaya ya Tarime, (Ushuru wa Kuogesha Mifugo) (GN 137/2000)
110. Sheria Ndogo za Halmashauri ya Wilaya ya Tarime, (Uwekaji wa Vibao vya Matangazo ya Biashara) (GN 132/2000)
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112. Sheria Ndogo za Ushuru Ngozi ya Halmashauri ya Wilaya ya Tarime, wa (Kuchinja, Kuchuna na Kuwamba Ngozi) (GN 135/2000)
113. Sheria Ndogo za Ushuru wa (Magulio, Masoko na Minada) za Halmashauri ya Mji wa Tarimea, GN 111/2014
114. Sheria Ndogo za Ushuru wa Madini za Halmashauri ya Wilaya ya Tarime, (GN 128/2000)
115. Sheria Ndogo za Ushuru wa Mazao (Pamba) za Halmashauri ya Wilaya ya Shinyanga GN 227/1999
116. Sheria Ndogo za Halmashauri ya Wilaya ya Muheza (Ushuru wa Mazao) GN 297/2008
117. Shinyanga Municipal Council (Development Levy) (Amendment) By-Laws – GN 10/2000
118. Tanga Municipal Council (Fees and Charges) (Amendments) By-Laws GN 232/2000
119. Tarime District Council (Street Parking Fees) By-Laws, GN 153/2009

## List of Principal Legislation Referred

120. Animal Diseases Act, Cap. 156
121. Business Activities Registration Act, Cap. 208
122. Business Names Registration Act Cap 201,
123. Cashew Nut Industry Act No. 18 of 2009;
124. Citizenship Act, Cap. 317

125. Coffee Industry Act No. 2 of 2001 (Cap 347 RE 2002);
126. Constitution of the United Republic of Tanzania of 1977, Cap. 1
127. Cotton Industry Act No 2 of 2001;
128. Dairy Industry Act, No. 8 of 2004
129. Decentralization of Government Administration Act No. 27 of 1972.
130. Employment and Labour Relations Act, Cap. 366
131. Energy and Water Utilities Regulatory Authority Act Cap 414
132. Environmental Management Act, Cap. 191
133. Executive Agencies Act, Cap. 245
134. Export Processing Zones Act, Cap. 373
135. Finance Act, No. 16 of 2015
136. Fire and Rescue Force Act, Cap. 427
137. Fisheries Act, Cap. 279
138. Forest Act, Cap. 224
139. Government Chemist Laboratory Act, No. 18 of 2016
140. Grazing Land and Animal Feeds Resources Act, No. 13 Of 2010
141. Immigration Act No.7 of 1995
142. Industrial and Consumer Chemicals (Management and Control) Act, Cap. 182
143. Interpretation of Laws Act, Cap. 2
144. Labour Institutions Act Cap. 300
145. Land Act, Cap. 113
146. Local Decentralization of Government Administration (Interim Provisions) [Amendment] Act No. 12 of 1982
147. Local Government (District Authorities) Act, Cap. 287
148. Local Government (Urban Authorities) Act, Cap. 288
149. Local Government Finance Act, No. 12 of 1982
150. Local Government Finance Act, No. 9 of 1982
151. Local Government Laws (Miscellaneous Amendments) Act, No 13 of 2006
152. Local Government Ordinance (Cap. 333)
153. Municipalities Ordinance (Cap. 105)
154. National Employment Promotion Service Act, Cap. 243
155. Non-Citizen (Employment Regulation) Act. Cap. 353
156. Pyrethrum Act No. 1 of 1997 (Cap 376 RE 2002)
157. Regional Administration Act, Cap. 97
158. Regions and District (Establishment Procedure) Act, No. 12/1994
159. Regions and Districts (Establishment Proclamation) Act, No. 12 of 1994
160. Standards Act No.2 of 2009

161. Sugar Industry Act No 26 of 2001 (Cap 251 RE 2002).
162. Surface and Marine Transport Regulatory Authority Act No. 9 of 2001
163. Tanzania Communication Regulatory Authority Act No 12 of 2003
164. Tanzania Food and Drugs and Cosmetic Authority Act Cap 219
165. Tanzania Investment Center Act, Cap. 38
166. Village Land Act, Cap. 114
167. Weights and Measures Act Cap 340
168. Wildlife Conservation Act, Cap. 283
169. Written Laws (Miscellaneous Amendments) Act, No. 4/2016

## Annex 2: Members of Regulatory Licensing Reform Committee

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## Annex 3: List of Government Stakeholders Consulted (MDAs&LGAs)

List Of Government Stakeholders Consulted During Business Environment Reform Process

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## Annex 4: List of Private Sector Stakeholders Consulted

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34	Mch. Silver Kiondo	JWT		0784256592
35	Amos Obeid	JWT		0713401050
36	Philimin Chonde	JWT		0754270405
37	Fred Katawa	JWT		0754510132
38	Stephen Chamle	JWT		0715299092
39	Abdalah A. Mwinyi	JWT		0655535051
40	Michael Mahenge	JWT		0713561128
41	Silvanus T. Mande	JWT		0754810917
42	Shaban Makone	JWT		0715339371
43	Kassim Lema	JWT		0713900057
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# Annex 5. Questionnaire - Data Collection Instrument

## Form for Collection of Data

This is a generic guide on the set of information to be collected in order to update findings from the desk review. Given the holistic approach to reforming the business environment, the template should be applied and data be collected for each and every current policies, laws, regulations, licenses, levies, taxes, inspections and other related issues pertaining business environment” administered by all MDAs and LGAs in Tanzania-mainland.

The template is applicable for both Government liaison officers as well as representative of the private sectors. Where possible, the private sector representatives are encouraged to share the template with their respective constituencies and collect the data. In filling the form, private sector officials could simply skip questions which are not relevant to them.

### Instructions:

Please fill out one copy of this template for EACH applicable policies, laws, regulations ,procedures, licenses, levies, taxes, fees, inspections, and other related issues pertaining business environment” administered by all MDAs and LGAs in Tanzania.

**Where applicable, attach** all forms required/involved.

It is expected that this form will be filled electronically. But if this is not the case, where there is insufficient space, please use additional sheets of paper as necessary.

For any questions, **please contact** the Secretariat of the Business Environment Regulatory Licensing Reform Committee via [baligaesha@brn.go.tz](mailto:baligaesha@brn.go.tz) , [ems\\_sungula04@yahoo.com](mailto:ems_sungula04@yahoo.com) , [kombafrederick@yahoo.com](mailto:kombafrederick@yahoo.com) .

NB: In the template, license/permit should interpreted to mean “policies, laws, regulations, licenses, levies, taxes, inspections, and other related issues pertaining business environment”

Name of officer collecting the data

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Name of the organization presenting the data

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Type of organization (private/government)

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Question	Response	Source Reference (where applicable, indicate the sources of information; citations of the section of the laws/regulations, bylaws, directives, etc.)																																				
Please specify the name of the license / permit/ levies/tax, etc.																																						
Name of issuing/administering agency (i.e. national/sectoral agencies, LGAs, etc.)																																						
The purpose and objective of the license (e.g., describe in precise terms the problem the license/permit seeks to address).																																						
Number of days it usually takes to issue the permit/licenses(from receiving application to issuing permit/licenses	Number of days _____ Is the processing time specified in regulation? _____																																					
Number of procedures involved to get the license/permit	The number _____ State the procedures _____																																					
What are the conditions/ requirement for granting the permit/licenses (state all)																																						
Number of inspections needed both before and after granting permit/licenses (where applicable)	before _____ After _____																																					
Is there any duplication of the permit/licenses/ authorities related to this permit/license	Yes/No ___ State the related licenses /authorities _____																																					
Is this license / permit only for businesses of certain sizes (number of employees / turnover)? If yes, please specify.																																						
Sectoral coverage of the license/permit (e.g. the sector or type of business/occupation that requires a license/permit).  (Tick wherever applicable)	<table border="0"> <tr> <td>Agriculture</td> <td><input type="checkbox"/></td> <td>Commerce</td> <td><input type="checkbox"/></td> <td>Education</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Employment, Labour &amp; Industry</td> <td><input type="checkbox"/></td> <td>Energy &amp; Water</td> <td><input type="checkbox"/></td> <td>Environment</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Finance</td> <td><input type="checkbox"/></td> <td>Health</td> <td><input type="checkbox"/></td> <td>IT &amp; Telecom</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>Mining</td> <td><input type="checkbox"/></td> <td>Security &amp; Public Order</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Services</td> <td><input type="checkbox"/></td> <td>Tourism</td> <td><input type="checkbox"/></td> <td>Transport &amp; Infrastructure</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="6">Other, please specify: _____</td> </tr> </table>	Agriculture	<input type="checkbox"/>	Commerce	<input type="checkbox"/>	Education	<input type="checkbox"/>	Employment, Labour & Industry	<input type="checkbox"/>	Energy & Water	<input type="checkbox"/>	Environment	<input type="checkbox"/>	Finance	<input type="checkbox"/>	Health	<input type="checkbox"/>	IT & Telecom	<input type="checkbox"/>			Mining	<input type="checkbox"/>	Security & Public Order	<input type="checkbox"/>	Services	<input type="checkbox"/>	Tourism	<input type="checkbox"/>	Transport & Infrastructure	<input type="checkbox"/>	Other, please specify: _____						
Agriculture	<input type="checkbox"/>	Commerce	<input type="checkbox"/>	Education	<input type="checkbox"/>																																	
Employment, Labour & Industry	<input type="checkbox"/>	Energy & Water	<input type="checkbox"/>	Environment	<input type="checkbox"/>																																	
Finance	<input type="checkbox"/>	Health	<input type="checkbox"/>	IT & Telecom	<input type="checkbox"/>																																	
		Mining	<input type="checkbox"/>	Security & Public Order	<input type="checkbox"/>																																	
Services	<input type="checkbox"/>	Tourism	<input type="checkbox"/>	Transport & Infrastructure	<input type="checkbox"/>																																	
Other, please specify: _____																																						

Question	Response	Source Reference (where applicable, indicate the sources of information; citations of the section of the laws/regulations, bylaws, directives, etc.)
The legal basis for the license/permit (e.g. valid law or other legal instrument).	<input type="checkbox"/> Law: <input type="checkbox"/> Regulation: <input type="checkbox"/> Decree (or equivalent): <input type="checkbox"/> LGA Bylaws / rules: <input type="checkbox"/> Other (please specify):  In case the referred instrument is less common (e.g. specific LGA bylaw), kindly attach copies of the relevant sections	
For this license/permit, please provide the NUMBER OF NEW licenses/permits issued per year.	2013/14: 2014/15: 2015/16:	
Specify amount application fees the license/permits, if any	TZS _____ USD _____ NO FEE _____	
The frequency of renewal of license/permit.	<input type="checkbox"/> The license is valid indefinitely (unless revoked or holder cease to exist) <input type="checkbox"/> The license is issued once for a specified project <input type="checkbox"/> The license must be renewed after every _____ <i>(kindly state the period)</i>	
For this license/permit, the number of licenses/permits RENEWED EACH YEAR.	2013/14: 2014/15: 2015/16:	
Specify amount of fees charged for the issuance of the license/permits.	TZS _____ USD _____ NO FEE _____  For government institutions, if the fee varies kindly provide the range from TZS _____ to _____  For government institutions, If the fee varies kindly provide kindly attached the schedule	
Specify amount of fees charged for the issuance of the license/permits.	Initial fee (first time applicants): _____ (TZS/USD) Renewal fee: _____ (TZS/USD) Retention/loyalties fee: _____ (TZS/USD) Please specify categories of fee (if any):	

Question	Response	Source Reference (where applicable, indicate the sources of information; citations of the section of the laws/regulations, bylaws, directives, etc.)
Where applicable, describe fees calculation method		
Describe total fees, charges or taxes collected from the license.	2013/14: 2014/15: 2015/16:	
Describe how the collected revenue is allocated (shared and used)		
Is there an application form for this license?	<input type="checkbox"/> Yes <input type="checkbox"/> No Remember to attach copies of application forms.	
Please list any supporting documents required for the license application.		
Is information about the license/permit, application forms etc. available on-line? If so, please specify (e.g. Web site).		
What can be done to reduce the burden on businesses imposed by this permit? (Considering the government commitment to improving business environment in the country, you are strongly encouraged to provide your honesty opinion)		
Make processing time faster		
Reduce fees		
Simplify requirements, remove unnecessary requirements		
Extend the period of validity		
Consolidate with another permit		
Turn it into a notification/registration requirement		
It is not needed at all, abolish it		
The permit is not a problem , leave it as-is		
Something else?		

Please note here any other observations or information here:

## Annex 6: Summary of Questionnaires Collected

S/N	MDA; LGA; Private Entity	Number of Forms Collected so far	Comments
1	Tanzania Revenue Authority	4	
2	Migration	3	
3	Police Force	5	Fire and Traffic units
4	National Social Security Fund	3	
5	Occupational Safety and Health Authority	2	
6	PMO-Social Security Division	1	
7	PMO-Registrar of Trade Unions	1	
8	Social Security Regulatory Authority	1	
9	Tanzania Employment Services Agency	2	
10	Tanzania Bureau of Standards	4	
11	Tanzania Communication Regulatory Authority	12	
12	Tanzania Forest Services Agency	7	
13	Business Registration and Licensing Agency	1	
14	Engineers Registration Board	1	
15	KVAU (Disability Section)	2	
16	Labour Department	4	
17	Ministry of Industry, Trade and Investment	1	
18	MNRT-Wildlife Division	8	
19	MNRT-License and Control Department	2	
20	National Construction Council	1	
21	Tanzania Building Agency	1	
22	Workers Compensation Fund	1	
23	Weight and Measures	7	
24	Ministry of Agriculture, Livestock and Fisheries; Directorate of Animal Production and Marketing	1	
25	Cashewnut Board of Tanzania	3	
26	Coffee Board	14	
27	Environmental Health Practitioners Council	1	
28	MALF-Fisheries Division	11	
29	National Food Security	1	
30	Pharmacy Council	11	
31	Plant Breeders Rights-Office	1	

32	Plant Health Services	3	
33	Private Health Laboratories Board	6	
34	Private Hospital Advisory Board	2	
35	Seed Unit	2	
36	Sisal Board	3	
37	Tanzania Dairy Board	4	
38	Tanzania Pyrethrum Board	5	
39	Tea Board of Tanzania	5	
40	Tanzania Fertilizer Regulatory Board	1	
41	Tanzania official seed Certification Institute	6	
42	Tropical Pesticide Research Institute	8	
43	Tanzania Tobacco Board	8	
44	Antiquities Division	1	
45	TANTRADE	1	
46	DPI Simba LTD	1	Private
47	Veterinary Council of Tanzania	13	
48	Ministry of Works, Transport and Communications (Universal Communications Service Access Fund)	1	
49	Nyanza Bottling Company Limited	12	Private
50	Tanzania Cooperative Development Commission	7	
51	Tanzania Food and Drugs Authority	10	
52	Energy and Water Utilities Regulatory Authority	14	
53	Tanzania Sugar Board	3	
54	Tanzania Cotton Board	7	
55	Livestock Directorate	27	
56	Radiology Board	7	
57	Government Chemist Laboratory Agency	4	
58	Architects and Quantity Surveyors Registration Board	1	
59	Tanzania Building Agency	1	
60	Mohamed Enterprises Tanzania Ltd (METL)	1	Private
61	Tanzania Chamber of Commerce	1	
62	Contractors Registration Board	1	
63	Tanzania Investment Center	8	
64	Warehouse Receipt Regulatory Board	1	
Total (MDAs &Private Sector)			
<b>Total (LGAs)</b>		<b>292</b>	
<b>Total (MDAs &amp;Private Sector)</b>		<b>61</b>	
<b>Total (LGAs)</b>		<b>353</b>	
<b>TOTAL: MDAs,Private &amp; LGAs</b>			

## Annex 7: Other References

Latha, K (2008), "Singapore: Harnessing the Internet to streamline procedures", Celebrating Reforms 2008, World Bank, Washington DC.

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## Attachment 1: Terms of Reference (Excerpt)

### 2.0 OBJECTIVE OF THE ASSIGNMENT

The objective of this assignment is to conduct a holistic and comprehensive review of the fiscal and regulatory laws and regulations, licenses, levies, tax at national and local level across sectors and propose/ recommend amendments, repeal, removal, harmonization, aligning and or additions to the current policies, laws to the Business Regulatory Licensing Reform Committee.

### 3.0 METHODOLOGY

The methodology that will be used by the Technical Team will involve literature review (Desktop research) and on limited cases collect primary data and information. When need arises the Team in collaboration with the Reform Core Team visit relevant Authorities/Institutions for consultation. The Technical Team will depend very much on the output of Liaison/Diagnostic Team

### 4.1 SET OF DELIVERABLES

- i. Technical Report highlighting pertinent issues related to current policies, laws, regulations, licenses, levies, taxes and other related issues pertaining business environment.
- ii. A comprehensive white policy paper entailing detailed current context, key constraints associated with the business environment, amendments, proposed repeal/removal, harmonization, aligning and or additions to the current policies, laws, regulations, licenses, levies, taxes and other related issues that will promote enabling business environment for improved business climate in Tanzania.
- iii. A summary report and matrix of the conclusions, amendments, repeal/removal, harmonization, aligning and or additions to the current policies, laws, regulations, licenses, levies, taxes and other related issues of the current policies, laws, regulations, levies, taxes and other related issues in the white paper
- iv. A presentation proposed version of the blue print Policy paper for the PS, Minister and Cabinet Paper.